

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1962

Part One. Legal status of the United Nations and related intergovernmental 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 OF THE UNITED NATIONS AND
RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. TREATY PROVISIONS AND INFORMATION CONCERNING THE LEGAL STATUS OF THE UNITED
NATIONS

1. CONVENTION^{1/} ON THE PRIVILEGES AND IMMUNITIES OF THE
UNITED NATIONS. ADOPTED 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 1962:^{2/}

<u>State</u>	<u>Date of receipt of instrument of accession</u> ^{3/}
Central African Republic	4 September 1962 ^d
Congo (Brazzaville)	15 October 1962 ^d
Madagascar	23 May 1962 ^d
Mexico*	26 November 1962
Mongolia*	31 May 1962
Sierra Leone	13 March 1962 ^d
Tanganyika	29 October 1962
Togo	27 February 1962 ^d
Upper Volta	27 April 1962

This brought up to 76 the number of States parties to the Convention.

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

* With the following declarations or reservations:

(foot-note continued on following page)

2. AGREEMENTS RELATING TO CONFERENCES AND SEMINARS

- (a) Agreement between the United Nations and the Government of India on the organization in India of a seminar on freedom of information. Signed at New York, on 19 February 1962.

Article IV

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.

(foot-note continued from previous page)

Mexico:

(a) The United Nations and its organs shall not be entitled to acquire immovable property in Mexican territory, in view of the property regulations laid down by the Political Constitution of the United Mexican States.

(b) Officials and experts of the United Nations and its organs who are of Mexican nationality shall enjoy, in the exercise of their functions in Mexican territory, exclusively those privileges which are granted them by section 18, paragraphs (a), (d), (f) and (g), and by section 22, paragraphs (a), (b), (c), (d) and (f) respectively, of the Convention on the Privileges and Immunities of the United Nations, on the understanding that the inviolability established in the aforesaid section 22, paragraph (c), shall be granted only for official papers and documents. (Translation by the Secretariat of the United Nations)

Mongolia

"... the Mongolian People's Republic does not consider itself bound by the provisions of section 30 of the said General Convention, which provide that any difference arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice; and in such a case the position of the Mongolian People's Republic is that, for submission of a particular dispute to the International Court for settlement, the consent of all parties to the dispute is necessary in every case.

This reservation is equally applicable to the provision that the advisory opinion given by the International Court of Justice shall be accepted as decisive."

1/ Came into force on 19 February 1962.

/...

2. Officials of the specialized agencies invited to the seminar 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 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.
4. All participants and all persons performing functions in connexion with the seminar, who are not nationals of India, shall have the right of entry into and exit from India for the period necessary for the performance of their functions. They shall be granted facilities for speedy travel. Visas, where required, shall be granted free of charge.

- (b) Agreement^{1/} between the United Nations and the Government of Sweden relating to a human rights seminar to be held in Stockholm. Signed at New York, on 1 June 1962.

Article IV

[Similar to article IV in (a) above]

- (c) Agreement^{2/} concerning the holding of the Second Symposium on the Development of Petroleum Resources of Asia and the Far East. Signed at Teheran, on 5 September 1952.

Article IV

1. [Similar to article IV (1) in (a) above]
2. Officials of the specialized agencies performing functions in connexion with the Symposium shall enjoy the same privileges and immunities as officials of the United Nations.

1/ Came into force on 1 June 1962.

2/ Came into force on 5 September 1962.

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

4. Similar to article IV (4) in (a) above

(d) Agreement^{1/} between the United Nations and the Government of Japan on a human rights seminar in Tokyo. Signed at New York, on 11 April 1962.

Article IV

1. Officials of the United Nations Secretariat assigned to the seminar shall be accorded privileges and immunities similar to those provided under articles V and VII of the Convention on the Privileges and Immunities of the United Nations.

2. Officials of the specialized agencies invited to the seminar in pursuance of article II (c) shall be accorded privileges and immunities similar to those to be accorded to the officials of the United Nations Secretariat under paragraph 1 of this article.

3. Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, the Government undertakes to accord all participants and alternates nominated by Governments under article II (a) such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the seminar.

4. Similar to article IV (4) in (a) above

1/ Came into force on 11 April 1962.

- (e) Exchange of letters constituting a supplementary agreement^{1/} to the Agreement of 28 June 1962 between the United Nations and the Federal Republic of Germany regarding arrangements for the United Nations Technical Conference on the International Map of the World on the Millionth Scale to be held in Bonn in August 1962. New York, 24 July 1962.

I

24 July 1962

Sir,

As directed by the Acting Secretary-General, I have the honour to refer to the exchange of letters dated 28 June 1962 constituting an agreement between the United Nations and the Government of the Federal Republic of Germany concerning arrangements for the International Technical Conference on the International Map of the World on the Millionth Scale to be held in Bonn in August 1962, and to propose the following arrangements concerning the privileges and immunities to be accorded in respect of the Conference.

1. Without prejudice to the provisions of the succeeding paragraphs, the Government of the Federal Republic of Germany undertakes, with respect to the Conference, to accord to the United Nations, to representatives of its Members to the Conference, and to all its officials irrespective of nationality, privileges and immunities no less favourable than she accords with respect to any Specialized Agency under the Convention on the Privileges and Immunities of the Specialized Agencies.
2. The Conference area, including meeting halls, conference rooms and offices shall, for the duration of the Conference, be deemed to constitute United Nations premises which shall be inviolable and access to them shall be under the control and authority of the United Nations.
3. Representatives of States non-Members of the United Nations invited to the Conference shall enjoy the same privileges and immunities as accorded representatives of States Members of the Organization.

The Permanent Observer of the Federal Republic
of Germany to the United Nations
460 Park Avenue
New York 22, N.Y.

^{1/} Came into force on 24 July 1962. See also chapter I, section 5 (b) above.

4. Observers of States Members or non-Members of the United Nations invited to the Conference shall enjoy the same privileges and immunities as accorded to representatives of States Members of the Organization.
5. Representatives and Observers of States Members or non-Members of the United Nations invited to the Conference shall enjoy such other privileges, immunities and facilities in accordance with Section 11 (g) of the Convention on the Privileges and Immunities of the United Nations.
6. The Secretary-General and the Under-Secretaries of the United Nations and the Executive Secretary of the Conference shall enjoy the privileges, immunities and facilities envisaged in Section 19 of the Convention on the Privileges and Immunities of the United Nations.
7. Observers of 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.
8. The Government undertakes to authorize the entry into and exit from its territory for the duration of the Conference of the following categories of persons:
 - (a) Representatives and Observers of States Members or non-Members of the United Nations invited to the Conference, and their immediate families;
 - (b) Officials of the United Nations performing functions in connexion with the Conference, and their immediate families;
 - (c) Observers of Specialized Agencies and other inter-governmental organizations invited to the Conference, and their immediate families;
 - (d) Observers of non-governmental organizations having consultative status with the Economic and Social Council of the United Nations attending the Conference;
 - (e) Observers of international scientific organizations, which are interested in the publication of the International Map of the World on the Millionth Scale, invited to the Conference;
 - (f) Representatives of the press, or of radio, television, film, or other information agencies accredited by the United Nations after consultation with the Federal Government in accordance with the established practice of the United Nations at its Headquarters, as well as persons invited to the Conference by the United Nations on official business.

This letter and your reply accepting the foregoing proposal shall be deemed to constitute a supplementary agreement between the United Nations and the Government of the Federal Republic of Germany.

Accept, Sir, the assurances of my highest consideration.

William R. LEONARD
Officer-in-Charge
Department of Economic and
Social Affairs

II

FEDERAL REPUBLIC OF GERMANY

The Permanent Observer
to the United Nations

460 Park Avenue
New York 22, N.Y.
Murray Hill 8-2333

24 July 1962

Sir,

I have the honour to refer to your letter dated 24 July 1962 proposing certain arrangements concerning privileges and immunities to be accorded in respect of the International Technical Conference on the International Map of the World on the Millionth Scale to be held in Bonn in August 1962.

On behalf of my Government, I wish to accept the arrangements proposed in your letter and to confirm that our exchange of letters shall be deemed to constitute a supplementary agreement between the United Nations and the Government of the Federal Republic of Germany.

Accept, Sir, the assurances of my highest consideration.

K. Heinrich KNAPPSTEIN
Ambassador

Mr. W.R. Leonard
Officer in Charge of the
Department of Economic and Social Affairs
United Nations
New York

/...

3. AGREEMENTS RELATING TO THE UNITED NATIONS
CHILDREN'S FUND: REVISED MODEL AGREEMENT^{1/}
CONCERNING THE ACTIVITIES OF UNICEF

Article VI. Claims against UNICEF

1. The Government shall assume, subject to the provisions of this Article, responsibility in respect of claims resulting from the execution of Plans of Operations within the territory of _____.
2. The Government shall accordingly defend, indemnify and hold harmless UNICEF and its employees or agents against all liabilities, suits, actions, demands, damages, costs or fees on account of death or injury to persons or property resulting from anything done or omitted to be done in the execution within the territory concerned of Plans of Operations made pursuant to this Agreement, not amounting to a reckless misconduct of such employees or agents.
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.

^{1/} UNICEF Field Manual, vol. II, part IV-2, Appendix A (16 August 1961).

- (a) Agreements^{1/} between UNICEF and the Governments of the Ivory Coast, Yemen, Somalia, the Congo (Brazzaville) and Algeria concerning the activities of UNICEF in these countries. Signed respectively at Abidjan on 14 September 1961 and New York on 10 January 1962, at Hodeida on 31 January 1962, at Mogadiscio on 27 February and 1 April 1962, at Brazzaville on 9 April 1962, and at Algiers on 20 November 1962.

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

- (b) Agreement^{2/} between UNICEF and the Government of Sierra Leone concerning the activities of UNICEF in Sierra Leone. Signed at Freetown, on 11 April 1962.

This agreement contains articles similar to articles VI and VII of the revised model agreement, with the substitution of the following paragraph to article VI (3):

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, and for the purpose of the proper prosecution of defence of all suits or actions on behalf of UNICEF the Government shall be entitled to take all necessary steps including that of the issue of third party notices.

4. AGREEMENTS RELATING TO TECHNICAL ASSISTANCE: MODEL REVISED STANDARD AGREEMENT ^{3/} CONCERNING TECHNICAL ASSISTANCE

Article I

Furnishing of Technical Assistance

.....
6. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Organizations and their experts, agents

1/ Came into force, respectively, on 10 January 1962, 31 January 1962, 1 April 1962, 9 April 1962 and 20 November 1962.

2/ Came into force on 11 April 1962.

3/ Technical Assistance Board/Special Fund, Field Manual, section D1/1a(i) (February 1963).

or employees and shall hold harmless such Organizations and their experts, agents and employees in 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 and the Organizations concerned that such claims or liabilities arise from the gross negligence or wilful misconduct of such experts, agents or employees.

Article V

Facilities, privileges and immunities

1. The Government, in so far as it is not already bound to do so, shall apply to the Organizations, their property, funds and assets, and to their officials, including technical assistance experts,

(a) in respect of the United Nations, the Convention on the Privileges and Immunities of the United Nations;

(b) in respect of the specialized agencies, the Convention on the Privileges and Immunities of the Specialized Agencies; and

(c) in respect of the International Atomic Energy Agency, the Agreement on the Privileges and Immunities of the International Atomic Energy Agency.

2. The Government shall take all practical measures to facilitate the activities of the Organizations under this Agreement and to assist experts and other officials of the Organizations in obtaining such services and facilities as may be required to carry on these activities. When carrying out their responsibilities under this Agreement, the Organizations, their experts and other officials shall have the benefit of the most favourable legal rate of conversion of currency.

- (a) Standard Agreements^{1/} between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization and the International Atomic Energy Agency, and the Governments of Senegal, Dahomey, Western Samoa, Kuwait, Gabon, the Federation of Malaya, the Ivory Coast, Madagascar, Niger and Lebanon concerning technical assistance. Signed respectively at Dakar on 27 December 1961, at Porto-Novo on 17 January 1962, at Apia on 20 January 1962, at Kuwait on 13 February 1962, at Libreville on 21 February 1962, at Kuala Lumpur on 1 March 1962, at Abidjan on 10 April 1962, at Tananarive on 17 May 1962, at Niamey on 12 August 1962, and at Beirut on 11 September 1962.

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

- (b) Standard Agreements^{2/} between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization, the International Atomic Energy Agency and the Universal Postal Union, and the Governments of Cameroon, Algeria, and Chad concerning technical assistance. Signed respectively at Yaoundé on 29 August 1962, at Algiers on 15 November 1962 and at Fort-Lamy on 6 December 1962.

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

1/ Came into force, respectively, on 20 February 1962, 17 January 1962, 20 January 1962, 13 February 1962, 21 February 1962, 1 March 1962, 10 April 1962, 17 May 1962, 12 August 1962 and 11 September 1962.

2/ Came into force on the respective dates of signature.

5. AGREEMENTS RELATING TO THE SPECIAL FUND: MODEL AGREEMENT^{1/}
CONCERNING ASSISTANCE FROM THE SPECIAL FUND

Article VIII

Facilities, privileges and immunities

1. The Government shall apply to the United Nations and its organs, including the Special Fund, its property, funds and assets, and to its officials, the provisions of the Convention on the Privileges and Immunities of the United Nations.
2. The Government shall apply to each specialized agency acting as an Executing Agency, its property, funds and assets and to its officials, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies including any Annex to the Convention applicable to such specialized agency. In case the International Atomic Energy Agency acts as an Executing Agency, the Government shall apply to its property, funds and assets and to its officials and experts, the Agreement on the Privileges and Immunities of the International Atomic Energy Agency.
3. In appropriate cases where required by the nature of the project, the Government and the Special Fund may agree that immunities similar to those specified in the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies shall be granted by the Government to a firm or organization, and to the personnel of any firm or organization, which may be retained by either the Special Fund or an Executing Agency to execute or to assist in the execution of a project. Such immunities shall be specified in the Plan of Operation relating to the project concerned.
4. The Government shall take any measures which may be necessary to exempt the Special Fund and any Executing Agency and their officials and other persons performing services on their behalf from regulations or other legal provisions which may interfere with operations under this Agreement, and shall grant them

^{1/} Technical Assistance Board/Special Fund, Field Manual, section D1/1 a (ii) (February 1963).

such other facilities as may be necessary for the speedy and efficient execution of projects. It shall, in particular, grant them the following rights and facilities:

- (a) the prompt issuance without cost of necessary visas, licences or permits;
- (b) access to the site of work and all necessary rights of way;
- (c) free movement, whether within or to or from the country, to the extent necessary for proper execution of the project;
- (d) the most favourable legal rate of exchange;
- (e) any permits necessary for the importation of equipment, materials and supplies in connexion with this Agreement and for their subsequent exportation; and
- (f) any permits necessary for importation of property belonging to and intended for the personal use or consumption of officials of the Special Fund or of an Executing Agency, or other persons performing services on their behalf, and for the subsequent exportation of such property.

5. In cases where a Plan of Operation so provides the Government shall either exempt from or bear the cost of any taxes, duties, fees or levies which may be imposed on any firm or organization which may be retained by an Executing Agency or by the Special Fund and the personnel of any firm or organization in respect of:

- (a) the salaries or wages earned by such personnel in the execution of the project;
- (b) any equipment, materials and supplies brought into the country in connexion with this Agreement or which, after having been brought into the country, may be subsequently withdrawn therefrom; and
- (c) any property brought by the firm or organization or its personnel for their personal use or consumption or which, after having been brought into the country, may subsequently be withdrawn therefrom upon departure of such personnel.

6. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Special Fund or an Executing Agency, against the personnel of either, or against other persons performing services on behalf of either under this Agreement, and shall hold the Special Fund, the

Executing Agency concerned and the above-mentioned persons harmless in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Parties hereto and the Executing Agency that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.

Article X

General provisions

.....

4. The obligations assumed by the Government under Article VIII hereof shall survive the expiration or termination of this Agreement to the extent necessary to permit orderly withdrawal of personnel, funds and property of the Special Fund and of any Executing Agency, or of any firm or organization retained by either of them to assist in the execution of a project.

- (a) Agreements^{1/} between the United Nations Special Fund and the Governments of Ethiopia, the Netherlands, Guatemala, Madagascar, Niger, Dahomey, Uruguay, the Dominican Republic, Tanganyika and Algeria concerning assistance from the Special Fund. Signed respectively at Addis Ababa on 13 July 1960, at New York on 12 August 1960, at Guatemala City on 17 November 1960, at Tananarive on 5 January 1962, at New York on 26 February 1962, at New York on 28 March 1962, at Montevideo on 4 May 1962, at New York on 6 June 1962, at Dar es Salaam on 17 July 1962, and at Algiers on 15 November 1962.

These agreements contain articles similar to articles VIII and X (4) of the model agreement.

^{1/} Came into force, respectively, on 1 September 1962 (applied provisionally as from 13 July 1960), 27 April 1962 (applied provisionally as from 12 August 1960), 7 February 1962 (applied provisionally as from 17 November 1960), 5 January 1962, 26 February 1962, 28 March 1962, 4 May 1962, 6 June 1962, 17 July 1962 and 15 November 1962.

/...

- (b) Agreement^{1/} between the United Nations Special Fund and the Government of Senegal concerning assistance from the Special Fund. Signed at Dakar, on 16 December 1961.

This agreement contains articles similar to articles VIII and X (4) of the model agreement, and is accompanied by the following exchange of letters:^{2/}

I

REPUBLIC OF SENEGAL

Ministry of Technical Assistance and Co-operation

Dakar, 14 December 1961

The Minister for Technical Assistance and Co-operation to
His Excellency the Resident Representative of the United Nations,
Dakar

Sir,

During the negotiations on the procedures for assistance by the Special Fund to the Government of the Republic of Senegal, I had the honour to specify the interpretation given by the Government of Senegal to certain provisions of the Agreement.

I am authorized to communicate to you these interpretations, namely:

....

4. Article VIII, paragraph 4 (d). The most favourable rate of exchange, if any, will be granted.
5. Article VIII, paragraphs 1 and 2. The names of the officials of the Special Fund and the specialized Executing Agencies who are on mission to Senegal will be communicated to the Government by the Executive Chairman, the Managing Director or their representatives.

I have the honour to be, etc.

Karim GAYE

^{1/} Came into force on 20 February 1962.

^{2/} Translation by the Secretariat of the United Nations.

II

UNITED NATIONS TECHNICAL ASSISTANCE BOARD AND
SPECIAL FUND

Dakar, 16 December 1961

Sir,

I have the honour to acknowledge receipt of your letter of 14 December specifying the interpretations given by the Government of Senegal to certain articles of the Agreement between the Government of Senegal and the United Nations Special Fund, signed at Dakar on 16 December 1961.

On behalf of the Special Fund, I have the honour to confirm my concurrence with the specifications mentioned in your letter.

I have the honour to be, etc.

M. MIR KHAN
Resident Representative

Mr. Karim Gaye
Minister for Technical Assistance
and Co-operation
Dakar

(c) Agreement^{1/} between the United Nations Special Fund and the Government of Syria concerning assistance from the Special Fund. Signed at Damascus, on 7 July 1962.

This agreement contains articles similar to articles VIII and X (4) of the model agreement, and is accompanied by the following exchange of letters:

^{1/} Came into force on 30 August 1962.

I

Damascus, 7 July 1962

Mr. Renart,

On signing the Agreement between the Government of the Syrian Arab Republic and the United Nations Special Fund concerning assistance from the Special Fund, it was agreed that:

1. The provision under paragraph 3, article VIII, will not be applied by the Plan of Operation relating to the project concerned without prior agreement with the Ministry of Foreign Affairs.
2. The exemption referred to in sub-paragraph (f), paragraph 4 of article VIII, will be applicable only at the time of the first arrival of the officials of the Special Fund or of an Executive Agency, or other persons performing services on their behalf.

I would appreciate the confirmation of your agreement to the above two points.

Very truly yours,

Soubhi KAHALEH
Minister of Planning

Mr. Jaime Renart
Representative of the TAB and
Director of the United Nations
Special Fund Programmes in the
Syrian Arab Republic
Damascus

II

Damascus, 7 July 1962

Excellency,

I have the honour to confirm that on signing the Agreement between the Government of the Syrian Arab Republic and the United Nations Special Fund concerning assistance from the Special Fund, it was agreed that:

/...

1. The provision under paragraph 3, article VIII, will not be applied by the Plan of Operation relating to the project concerned without prior agreement with the Ministry of Foreign Affairs.
2. The exemption referred to in sub-paragraph (f), paragraph 4 of article VIII, will be applicable only at the time of the first arrival of the officials of the Special Fund or of an Executing Agency, or other persons performing services on their behalf.

Accept, Excellency, the assurances of my highest consideration,

Very truly yours,

Jaime RENART
Representative of TAB and Director
of UNSF Programmes in the S.A.R.

His Excellency
Mr. Soubhi Kahaleh
Minister of Planning
Damascus

- (d) Agreement^{1/} between the Government of Japan and the United Nations Special Fund concerning assistance from the Special Fund for the establishment of an International Institute of Seismology and Earthquake Engineering. Signed at New York, on 31 October 1962.

This agreement contains articles similar in substance to articles VIII (with the omission of paragraphs 3 and 5) and X (4) of the model agreement, and is accompanied by the following exchange of letters:

^{1/} Applied provisionally as from 31 October 1962.

I

Permanent Mission of Japan to the
United Nations

New York

31 October 1962

Sir,

With reference to the Agreement between the Government of Japan and the United Nations Special Fund concerning assistance from the Special Fund for the establishment of an International Institute of Seismology and Earthquake Engineering signed today, I have the honour to inform you of the following:

1. With regard to article VIII, paragraphs 1 and 2, these paragraphs are understood to apply "in regard to the execution of the project".
2. With regard to article VIII, paragraph 4 paragraph 6 in the model agreement:
 - (a) The claims referred to in the phrase "The Government shall be responsible for dealing with any claims which may be brought by third parties against the Special Fund or the Executing Agency or against the personnel of either ... " are to be understood as meaning claims resulting from operations under this Agreement.
 - (b) It is further understood that the responsibility for dealing with such claims will not be interpreted as placing the obligation on the Government of Japan to become a party, or to act on behalf of a party, in litigation.
 - (c) The expression "operations under this Agreement" means the "acts done by the Special Fund, the Executing Agency or the personnel of either in the course of, or directly connected with, the performance of their mission".

....

Accept, Sir, the assurances of my highest consideration.

For the Government:

Katsuo OKAZAKI
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan
to the United Nations

Mr. Paul G. Hoffman
Managing Director
United Nations Special Fund
United Nations
New York 17, N.Y.

/...

II

Sir,

I have the honour to acknowledge the receipt of your letter of today, which reads as follows:

/See letter I/

....

It gives me pleasure to confirm the agreement of the Special Fund to the understanding contained in your communication quoted above.

Accept, Sir, the assurances of my highest consideration,

For the Special Fund

Paul G. HOFFMAN
Managing Director, Special Fund

His Excellency

Mr. Katsuo Okazaki
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the United Nations
Permanent Mission of Japan to the United Nations
235 East 42nd Street, 25th floor
New York 17, N.Y.

III

Permanent Mission of Japan
to the United Nations
New York

31 October 1962

Sir,

With reference to the Agreement between the Government of Japan and the United Nations Special Fund concerning assistance from the Special Fund for the establishment of an International Institute of Seismology and Earthquake Engineering signed today, I have the honour to inform you of the following:

With regard to article VIII, paragraph 3 (d) /paragraph 4 (d) in the model agreement/, the basic rate of exchange of the Japanese currency is, according to

/...

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the regulations of Japan, unitary for all kinds of transactions, but the actual rate of buying and/or selling may fluctuate within a narrow range around the basic rate. For example, the basic rate for the U.S. dollar is ¥ 360. Around this basic rate, the authorized Foreign Exchange Banks are allowed to decide the actual commercial buying and/or selling rate within a certain range. To illustrate, the T.T. rate for the U.S. dollar is between ¥ 361.80 and ¥ 358.20, which corresponds to 0.5 per cent. of the basic rate in either direction.

I have further the honour to request you to be good enough to take note of the above explanation.

Very truly yours,

For the Government:

Katsuo OKAZAKI
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan
to the United Nations

Mr. Paul G. Hoffman
Managing Director
United Nations Special Fund
United Nations
New York 17, N.Y.

IV

Sir,

I have the honour to acknowledge the receipt of your letter of today, which reads as follows:

[See letter III]

It gives me pleasure to confirm the agreement of the Special Fund to the understanding contained in your communication quoted above.

Accept, Sir, the assurances of my highest consideration,

For the Special Fund:

Paul G. HOFFMAN
Managing Director
Special Fund

His Excellency

Mr. Katsuo Okazaki
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the United Nations
Permanent Mission of Japan to the United Nations
235 East 42nd Street, 25th Floor
New York 17, N.Y.

6. AGREEMENTS FOR THE PROVISION OF OPERATIONAL,
EXECUTIVE AND ADMINISTRATIVE PERSONNEL:
MODEL AGREEMENT.

Article II (3) and (4) and article IV (5) and (6)

Not reproduced^{1/}

- (a) Agreements^{2/} between the United Nations and the Governments of Somalia, Greece, Nigeria, Cameroon, Niger, Western Samoa, Ecuador, Rwanda and the Ivory Coast for the provision of operational, executive and administrative personnel. Signed, respectively, at Mogadiscio on 20 January 1962, at Athens on 18 May 1962, at Lagos on 7 August 1962, at Yaoundé on 29 August 1962, at New York on 1 October 1962, at New York on 5 November 1962, at Quito on 26 November 1962, at Kigali on 28 November 1962, and at Abidjan on 10 December 1962.

These agreements contain articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement.

^{1/} See United Nations Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations, vol. I (ST/LEG/SER.B/10), p. 379-381.

^{2/} Came into force on the respective dates of signature.

- (b) Agreement^{1/} between the United Nations and the Government of Burundi for the provision of operational, executive and administrative personnel. Signed at Usumbura, on 29 December 1962.

This agreement contains articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement, with the omission of sub-paragraph (f) in article IV (5).

7. AGREEMENT^{2/} BETWEEN THE REPUBLIC OF INDONESIA AND THE KINGDOM OF THE NETHERLANDS CONCERNING WEST NEW GUINEA (WEST IRLAN). SIGNED AT NEW YORK, ON 15 AUGUST 1962.

Privilege and immunities

Article XXVI

For the purposes of the present Agreement, Indonesia and the Netherlands will apply to United Nations property, funds, assets and officials the provisions of the Convention on the Privileges and Immunities of the United Nations. In particular, the United Nations Administrator, appointed pursuant to article IV, and the United Nations representative, appointed pursuant to article XVII, will enjoy the privileges and immunities specified in section 19 of the Convention on the Privileges and Immunities of the United Nations.

1/ Came into force on 29 December 1962.

2/ Came into force on 21 September 1962.

B. TREATY PROVISIONS AND INFORMATION CONCERNING THE LEGAL STATUS OF THE INTER-GOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS

1. CONVENTION^{1/} ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES. ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947.

(a) In 1962, the International Development Association (IDA) transmitted the final text of the relevant annex (Annex XIV) of the Convention on the Privileges and Immunities of the Specialized Agencies.^{2/} This text, which was received by the Secretary-General on 15 February 1962, is as follows:

Annex XIV

International Development Association

In its application to the International Development Association (hereinafter called "The Association") the Convention, including this annex, shall operate subject to the following provisions:

1. The following shall be substituted for section 4:

"Actions may be brought against the Association only in a court of competent jurisdiction in the territories of a member in which the Association has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Association shall,

^{1/} United Nations, Treaty Series, vol. 33, p. 261.

^{2/} Under section 37, the Convention "becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex, and undertakes to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of section 32 which may be found necessary in order to make the final text of the annex consonant with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency".

wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgement against the Association."

2. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Association from this Convention and are not included in those which it can claim under its Articles of Agreement or otherwise.

3. The provisions of the Convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Association or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Association or any of its members, governors, executive directors, alternates, officers or employees by the Articles of Agreement of the Association, or by any statute, law or regulation of any member of the Association or any political sub-division of any such member, or otherwise.

(b) In 1962, 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:^{1/}

1/ 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.

2/

<u>State</u>		<u>Date of receipt of instrument of accession or notification 1/</u>	<u>Specialized Agencies</u>
Austria	Notification	14 February 1962	FAO (Revised text of annex II)
	"	8 November 1962	IDA
Belgium	Accession	14 March 1962	WHO, ICAO, ILO, FAO, UNESCO, BANK, FUND; UPU, ITU, WMO, IMCO, IFC, IDA
Central African Republic	Accession	15 October 1962	WHO, ICAO, ILO, FAO, UNESCO, WMO
Denmark	Notification	3 August 1962	IDA
Federal Republic of Germany	Notification	12 January 1962	IMCO
	"	12 April 1962	IFC
Federation of Malaya	Notification	29 March 1962 d	WHO - Revised text of annex VII, ICAO, ILO, FAO, UNESCO, UPU, ITU, WMO
	"	23 November 1962	WHO - Third revised text of annex VII
Finland	Notification	16 November 1962	IDA
Guatemala	Notification	18 May 1962	IDA
Ivory Coast	Notification	4 June 1962	BANK, FUND, IFC, IDA
	"	26 September 1962	WMO
Pakistan	Notification ^{2/}	13 March 1962	FAO, IMCO
	Notification ^{2/}	17 July 1962	IFC, IDA
Sierra Leone	Notification	13 March 1962 d	WHO - Second revised text of annex VII, ICAO, ILO, FAO, UNESCO, UPU, ITU, WMO, IMCO
Sweden	Notification	11 April 1962	IDA

(Foot-notes following table)

/...

<u>State</u>		<u>Date of receipt of instrument of accession or notification 1/</u>	<u>Specialized Agencies</u>
Tanganyika	Accession	29 October 1962	WHO, ILO, FAO, UNESCO
Upper Volta	Accession	6 April 1962	WHO, ICAO, ILO, FAO, UNESCO, BANK, FUND, UPU, ITU, WMO, IMCO, IFC

By 31 December 1962, forty-two States were parties to the Convention.

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

2/ With the following declaration: "The enjoyment by Specialized Agencies of the communication privileges provided in article IV, section 11 of the Convention cannot, in practice, be determined by unilateral action of individual Governments and has in fact been determined by the International Telecommunication Convention, Atlantic City, 1947 and Telegraph and Telephone Regulations annexed thereto. Pakistan would, therefore, not be able to comply with the provisions of article IV, section 11 of the Convention in view of Resolution No. 28 (annexure I) passed at the Plenipotentiary Conference of the International Telecommunication Union, held in Buenos Aires in 1952."

2. INTERNATIONAL LABOUR ORGANISATION

- (a) Agreement^{1/} between the Government of Peru and the International Labour Organisation concerning the privileges and immunities of a Field Office in Lima. Signed at Geneva, on 22 June 1960

The Government of the Republic of Peru, on the one hand, and the International Labour Organisation, on the other,

Considering that the International Labour Organisation has established a Field Office in Lima;

Desirous of concluding an Agreement to determine the privileges, immunities and exemptions which shall be granted by the Government of Peru to the International Labour Organisation, to the representatives of its Members and to its experts and officials, and anxious to resolve other related questions:

Have agreed as follows:

ARTICLE I

Definitions

Section 1

In this Agreement-

- (a) the expression "Organisation" means the International Labour Organisation;
- (b) for the purposes of article IV the expressions "property and assets", "funds, money, securities, gold and currency", "assets, income and other property", shall include property, assets and funds administered by the Organisation in conformity with its Constitution and in the exercise of its constitutional functions;
- (c) the expression "representatives of Members" shall include all delegates to the International Labour Conference, all persons who are members or deputy members of the Governing Body or other conferences, committees or meetings convened by the Organisation, and generally all representatives, alternates, advisers, technical experts and secretaries of delegations;

^{1/} International Labour Office, Official Bulletin, vol. XLV, No. 3 (July 1962). Came into force on 1 March 1962. Translation by the ILO.

- (d) the expression "Members" means the member States of the International Labour Organisation and any territory or group of territories which, without being a Member, is represented at the Conference or at other meetings convened by the Organisation and participates in their work in accordance with the Constitution of the Organisation;
- (e) the expression "principal and subsidiary organs" means the International Labour Conference, the Governing Body, the International Labour Office and any subdivision of these organs established in Peru;
- (f) for the purposes of sections 4, 6, 13, 14 and 15, the expressions "freedom of meeting" and "meetings of the Organisation" include all meetings of the principal and subsidiary organs of the Organisation and all conferences and meetings held in Peru and convened by the Organisation or on its authority or under its auspices.

ARTICLE II

Juridical Personality

Section 2

The Organisation shall possess juridical personality. It shall have the capacity-

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

ARTICLE III

Freedom of Action

Section 3

The Organisation and its principal and subsidiary organs shall enjoy in Peru the independence and freedom of action appropriate for an international organisation.

Section 4

The Organisation and its principal and subsidiary organs, its Members and the representatives which these Members appoint in their relations with the Organisation, shall enjoy in Peru complete freedom to meet, deliberate and take decisions; the Government of Peru shall be informed in advance of any meeting which will be held in its territory.

ARTICLE IV

Property, Funds and Assets

Section 5

The Organisation, its property and assets located in Peru, by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity has been expressly waived by the Director-General of the Office. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 6

1. The premises of the Organisation in Peru and any other premises which the Organisation may occupy in Peruvian territory for the purposes of a meeting convened by it shall be inviolable.

2. The premises and the property and assets of the Organisation, by whomsoever held, shall enjoy the privileges and immunities granted to the property of foreign States.

Section 7

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

Section 8

1. Without being restricted by financial controls, regulations or moratoria of any kind, the Organisation may-

- (a) receive and hold funds, moneys, gold, currencies and securities of any kind and operate accounts in any currency;
- (b) freely transfer its funds, moneys, gold, currencies and securities to any place both inside and outside Peru, and convert any currency held by it into any other currency.

2. The provisions of this section shall also apply to the Members of the Organisation in their relations with the Organisation.

Section 9

In exercising its rights under section 8, the Organisation shall pay due regard to any representations made by the Government in so far as it is considered that effect can be given to such representations without detriment to the interests of the Organisation.

Section 10

The Organisation, its assets, income and other property shall be exempt from-

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

ARTICLE V

Facilities in respect of Communications

Section 11

The Organisation shall enjoy in Peru for its official communications treatment not less favourable than that accorded by the Government of Peru 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, so long as such treatment is not incompatible with the provisions of any international Convention.

Section 12

1. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between Peru and the Organisation.

ARTICLE VI

Representatives of Members

Section 13

Representatives of Members at the principal or subsidiary organs of the Organisation and at conferences or meetings convened by it shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

/...

- (a) immunity from personal arrest and detention and from seizure of their personal baggage and, in respect of words spoken or written and of acts done by them in their official capacity, immunity from legal process of every kind;
- (b) inviolability for all papers and documents;
- (c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in Peru;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Section 14

In order to secure for the representatives of Members at meetings convened by the Organisation complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in the discharge of their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 15

Where the incidence of any form of taxation depends upon residence in Peru, periods during which the representatives of Members are present in Peru for the discharge of their duties at meetings held by the Organisation in that country shall not be considered as periods of residence.

Section 16

The above-mentioned privileges and immunities are accorded to the representatives of Members not for their personal benefit but in order to safeguard the independent exercise of their functions in connexion with the Organisation.

Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice and where it can be waived without prejudice to the purpose for which the immunity is granted.

ARTICLE VII

Experts on Mission for the Organisation

Section 17

Experts and advisers other than those falling within the terms of section 1 (c) and other than officials coming within the scope of articles VIII and IX respectively, who perform missions for the Organisation, shall be accorded while carrying out such missions and during the journeys in connection with such missions, the following privileges and immunities in so far as is necessary for the independent exercise of their functions:

- (a) immunity from personal arrest or detention, from seizure of their personal baggage and immunity from legal process in respect of words spoken or written and acts done by them in the course of the performance of their mission; the last-mentioned immunity shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Organisation;
- (b) inviolability for all papers and documents;
- (c) for the purpose of their communication with the Organisation, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration and national service obligations in Peru;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions.
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions.

Section 18

The aforementioned privileges and immunities are granted to the experts in the interests of the Organisation and not for their personal benefit. The Director-General of the International Labour Office shall have the right and the duty to waive the immunity of any expert in any case where in his opinion the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organisation.

ARTICLE VIII

Officials

Section 19

The Director-General of the International Labour Office shall communicate to the Government of Peru the names of the officials to which the provisions of this article and of article IX apply.

Section 20

1. The officials of the Organisation, without distinction of nationality, shall enjoy-
 - (a) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
 - (b) exemption from taxation on the salaries and emoluments paid to them by the Organisation.
2. In addition, officials who are not of Peruvian nationality shall enjoy-
 - (a) immunity, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;
 - (b) the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions established in Peru;
 - (c) in time of international crisis the same repatriation facilities, together with their spouses and relatives dependent on them, as officials of comparable rank of diplomatic missions;

(d) the exemptions from customs duties provided for in Part X of Presidential Decree No. 69 of 15 February 1954 concerning the privileges granted by the Government of Peru; it is understood that the experts and officials of the Organisation shall enjoy the rights provided for in article 73 of that decree.

3. Officials of Peruvian nationality shall have the right to import free of duty their furniture and effects, including their motor vehicles, when they are transferred from a duty station outside Peru to a duty station in Peru.

Section 21

1. The officials of the Organisation shall be exempt from national service obligations in force in Peru; this exemption shall not apply to officials of Peruvian nationality.

2. If officials of the Organisation are called up for national service, the Government of Peru shall at the request of the Director-General of the International Labour Office grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Section 22

In addition to the immunities and privileges specified in sections 20 and 21, the Director-General, the Deputy Director-General and the Assistant Directors-General of the International Labour Office shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

Section 23

Local Peruvian officials engaged by the Organisation to carry out duties for it shall be exclusively subject to the Staff Regulations of the Organisation.

Section 24

Privileges and immunities are granted to officials in the interests of the Organisation only and not for their personal benefit. The Director-General of the International Labour Office shall have the right and duty to waive the immunity of any official in any case where in his opinion the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

Section 25

The Organisation shall co-operate at all times with the competent authorities of the Government of Peru to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this article.

ARTICLE IX

Visas, Residence Permits and United Nations "Laissez-passer"

Section 26

1. The Government of Peru shall take all necessary measures to facilitate the entry into, residence in and departure from the country of all persons having official business with the Organisation, that is to say-
 - (a) representatives of Members, whatever may be the relations between Peru and the said Members;
 - (b) experts and advisers carrying out missions for the Organisation, whatever their nationality;
 - (c) officials of the Organisation;
 - (d) other persons, irrespective of nationality, summoned by the Organisation.
2. Any police regulations tending to restrict the entry of foreigners into Peru or to regulate the conditions of their residence shall not apply to the persons covered by this section.
3. The Government of Peru will give advance general instructions to its embassies, legations and consulates abroad that, without any delay and without

requiring the presence of the persons concerned or the payment of any taxes, they should grant visas to any persons requesting them who submit a valid identity and travel document and a certificate indicating that they have official business with the Organisation.

4. The provisions of this section shall also apply to any spouse and to relatives dependent on the persons concerned, if they live with them and do not exercise any independent profession or activity.

Section 27

The Government of Peru recognises and accepts the United Nations laissez-passer issued to officials of the Organisation as valid travel documents.

Section 28

The Director-General, the Deputy Director-General, the Assistant Directors-General and the Director of the Field Office who visit the country on official mission shall enjoy the same facilities for travel as are accorded to the heads of diplomatic missions.

ARTICLE X

Final Provisions

Section 29

This Agreement shall enter into force as soon as the Government of Peru has communicated to the Director-General of the International Labour Office the ratification thereof in conformity with constitutional practice.

Section 30

This Agreement may be revised at the instance of either of the parties. In this event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding

within one year, the Agreement may be denounced by either party giving two years' notice. Denunciation may be notified to the Government of Peru in the person of its representative to the Organisation, and to the Organisation in the person of the Director-General of the International Labour Office.

In witness whereof the undersigned duly authorised for this purpose have signed three copies of the present Agreement in Geneva on the twenty-second day of June 1960.

For the Government of the
Republic of Peru:

(Signed) Luis ALVARADO G.,
Minister of Labour and
Indigenous Affairs.

For the International
Labour Organisation:

(Signed) David A. MORSE,
Director-General.

- (b) Agreement^{1/} between the International Labour Organisation and the Government of Tanganyika concerning the Establishment of an East African Field Office in Dar es Salaam. Signed at Geneva, on 2 March 1962, and at Dar es Salaam, on 3 May 1962.

Article III

The Government shall grant to the Field Office and to its staff the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies.

- (c) Agreement^{2/} between the Government of Ceylon and the International Labour Organisation concerning the Establishment of the Asian Field Office of the Organisation in Colombo. Signed at Colombo, on 21 November 1962.

Article 3

The Government shall grant to the Field Office and to its staff the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies.

Article 4

The Government will facilitate the entry into, sojourn in and departure from Ceylon of persons invited to the Field Office on official business.

1/ International Labour Office, Official Bulletin, vol. XLV, No. 3 (July 1962). Came into force on 3 May 1962.

2/ International Labour Office, Official Bulletin, vol. XLVI, No. 1 (January 1963). Came into force on 21 November 1962.

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND
CULTURAL ORGANIZATION

- (a) Agreement between UNESCO and the Government of India regarding the setting up of a "Regional Centre for the Training of Educational Planners, Administrators and Supervisors in Asia".
Signed at New Delhi, on 13 February 1962.

III. Obligations of the Government

.....

8. Any officer or employee of the Centre who may be a UNESCO staff member shall enjoy the privileges and immunities set forth in the Convention on the Privileges and Immunities of the Specialized Agencies, to which India is a party. The Government shall authorize the entry into Indian territory, free of visa charges and other restrictions, and permit the residence there, of all persons who are to attend training courses and any other person invited to attend sessions of the Symposium, the Steering Committee or meetings and seminars organized by the Centre.
9. The Government shall be responsible for dealing with any claims which may be brought by third parties against UNESCO, against its personnel, or against other persons performing services under this agreement and arising from action performed in the discharge of their official duties relating to the Centre, and shall hold UNESCO and the above-named persons harmless in case of any claims or liabilities resulting from such operations, except where it is agreed by the Government and UNESCO that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.
10. Except as otherwise provided herein, neither the Government nor the Centre nor any of the Centre's staff or trainees shall be considered an agent or staff member of UNESCO; nor shall any of them be entitled to any privileges, immunities compensation or reimbursements from UNESCO not set forth above nor shall any of them be authorized to commit UNESCO to any expenditure or other obligations.

- (b) Agreement between UNESCO and the Government of Indonesia regarding the setting up of an "Asian Regional Institute for School Building Research". Signed on 23 February and 14 March 1962.

This agreement contains provisions (section III, paragraphs 9, 10 and 11) similar in substance to those cited under (a) above.

- (c) Agreement between UNESCO and the Government of the Philippines regarding the setting up of a "Regional Centre for the Training of Teacher Educators in Asia". Signed on 28 March 1962.

This agreement contains provisions (section III, paragraphs 7,8 and 9) similar to those cited under (a) above.

- (d) Agreement between UNESCO and the Government of Thailand concerning the establishment of a "UNESCO Regional Centre for Educational Information and Studies in Asia". Signed on 25 April 1962.

3. With respect to the privileges and immunities of the Centre and its staff, the Government agrees to apply mutatis mutandis the provision of articles 2 and 3 of the Agreement^{1/} regarding the Asia Regional Office.

^{1/} United Nations, Treaty Series, vol. 410, p. 125.

4. WORLD HEALTH ORGANIZATION

- (a) Basic Agreement^{1/} between the World Health Organization and the Government of Somalia for the provision of technical advisory assistance. Signed at Alexandria, on 17 August 1961, and at Mogadiscio, on 10 January 1962.

Article I

Furnishing of Technical Advisory Assistance

.....

6. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Organization and its advisers, agents and employees and shall hold harmless the Organization and its advisers, agents and employees in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Government and the Organization that such claims or liabilities arise from the gross negligence or wilful misconduct of such advisers, agents or employees.

Article V

Facilities, Privileges and Immunities

1. The Government, in so far as it is not already bound to do so, shall apply to the Organization, its staff, funds, properties and assets the appropriate provisions of the Convention on the Privileges and Immunities of the Specialized Agencies.
2. Staff of the Organization, including advisers engaged by it as members of the staff assigned to carry out the purposes of this Agreement, shall be deemed to be officials within the meaning of the above Convention. This Convention shall also apply to any WHO representative appointed to Somalia who shall be afforded the treatment provided for under Section 21 of the said Convention.

^{1/} Came into force on 10 January 1962.

- (b) Basic Agreements^{1/} between the World Health Organization and the Governments of Ethiopia, the Sudan, Nigeria, Libya, Senegal and Western Samoa for the provision of technical advisory assistance. Signed respectively at Alexandria on 17 November 1961 and Addis Ababa on 11 January 1962, at Alexandria on 2 January 1962 and Khartoum on 11 March 1962, at Brazzaville on 15 February 1962 and Lagos on 27 March 1962, at Alexandria on 2 January 1962 and Beda on 16 June 1962, at Brazzaville on 19 June 1962 and Dakar on 6 August 1962, and at Manila on 29 June 1962 and Apia on 14 August 1962.

These agreements contain articles similar to articles I (6) and V cited under (a) above.

- (c) Basic Agreements^{2/} between the World Health Organization and the Governments of Sierra Leone and Cameroon for the provision of technical advisory assistance. Signed respectively at Brazzaville on 9 April 1962 and Freetown on 19 June 1962, and at Brazzaville on 5 November 1962 and Yaoundé on 8 December 1962.

These agreements contain articles similar to articles I (6) and V cited under (a) above, with the omission of the second sentence in article V (2).

- (d) Exchange of notes constituting an agreement^{3/} between the World Health Organization and the Government of Saudi Arabia relating to the holding of the Twelfth Session of Sub-Committee A of the Regional Committee for the Eastern Mediterranean in Riyadh in 1962. Alexandria, 8 June 1962, and Riyadh, 24 June 1962.

I

AF 6/15

8 June 1962

Sir,

I have the honour to refer to correspondence resting with your letter 5130/W dated 27 April 1962 in regard to the holding of the Twelfth Session of the Regional Committee for the Eastern Mediterranean in Riyadh in October 1962.

1/ Came into force, respectively, on 11 January 1962, 11 March 1962, 27 March 1962, 16 June 1962, 6 August 1962 and 14 August 1962.

2/ Came into force, respectively, on 19 June 1962 and 8 December 1962.

3/ Came into force on 24 June 1962.

/...

In the absence of your Government's accession to the Convention on the Privileges and Immunities of the Specialized Agencies and to Annex VII thereof, it is considered that the Organization would more easily discharge its duties in connexion with this Session of the Regional Committee if you could kindly agree to the status which your Government will apply to WHO, their staff and to those invited by the Organization to participate in this Session.

I feel that the simplest way to achieve this purpose would be that the Government undertake to apply, on this occasion, both to the Organization and to all concerned, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies. It is understood that the Government will be notified of the names of those who will be granted such privileges and immunities.

If this suggestion is agreeable to you, I would propose that your Government kindly confirm this agreement along the lines of the draft reply^{1/} herewith attached, and that this exchange of correspondence be held as an agreement between us for this purpose.

I have the honour to be,

Sir,

Your obedient Servant,

A.M. Taba, M.D.
Regional Director

H.E. The Minister of Public Health
Ministry of Public Health
Riyad

^{1/} Not reproduced.

II

/Translation/

Kingdom of Saudi Arabia
Ministry of Health
Bureau of the Minister

Ref. No. 377/W

Date: 24/6/1962 (21/1/82 H)

Greetings,

I have the honour to acknowledge receipt of your letter No. AF.6/15 of 8 June 1962 in respect of the status of the World Health Organization, its personnel and guests to be recognized by the Kingdom of Saudi Arabia on the occasion of the XIIth meeting of the Regional Committee for the Eastern Mediterranean which shall be held in Riyadh.

I am glad to confirm that the Government of Saudi Arabia deems it possible, for the purpose of the above meeting, to apply the provisions of the Specialized Agencies Convention on Privileges and Immunities to WHO and to whomever is concerned on a temporary basis for the duration of the XIIth meeting of the Regional Committee. I wish to confirm further that your letter No. AF 6/15 of 8 June 1962 and my reply thereto constitute our agreement in this respect. I have also noted that my Government shall receive a list of the names of persons who shall be granted the above privileges and immunities on the occasion of the XIIth meeting of the Regional Committee.

Yours respectfully,

Minister of Health

The Regional Director,
EMRO, Alexandria

/...

- (e) Exchange of notes constituting an arrangement^{1/} between the World Health Organization and the Government of Poland relating to the holding of the Twelfth Session of the Regional Committee for Europe in Warsaw in 1962. Geneva, 11 and 16 August 1962.

I

THE PERMANENT MISSION OF THE
POLISH PEOPLE'S REPUBLIC TO
THE EUROPEAN OFFICE OF THE
UNITED NATIONS

No. 45303/15/62

Geneva, 11 August 1962

The Permanent Mission of the Polish People's Republic to the European Office of the United Nations presents its compliments to the World Health Organization and has the honour to present the following communication.

After exchanges of views on an arrangement between the Government of the Polish People's Republic and the World Health Organization for the purpose of securing for the European Regional Office of the World Health Organization the privileges, immunities and facilities indispensable for its functioning in Polish territory during the twelfth session in Warsaw in 1962, the Permanent Mission of the Polish People's Republic has the honour to enclose herewith an annex indicating the privileges, immunities and facilities which its Government is prepared to grant in its territory to the World Health Organization, the representatives of the Member States, and its experts and officials.

If the provisions of that annex meet with the agreement of the World Health Organization, the Permanent Mission will propose that the present note with its annex and the World Health Organization's reply be deemed to constitute the Arrangements between the Government of the Polish People's Republic and the World Health Organization concerning the privileges, immunities and facilities which the World Health Organization, the representatives of the Member States and its experts and officials shall enjoy.

^{1/} Came into force on 11 August 1962. Translation from French by the Secretariat of the United Nations.

It is understood that this Arrangement will become operative on 11 August 1962 and will cease to have effect thirty days after the end of the Warsaw session of the Regional Committee for Europe of the World Health Organization.

The Permanent Mission of the Polish People's Republic takes this opportunity of reassuring the World Health Organization of its deepest respect.

Annex

Facilities, Privileges and Immunities accorded
by the Government of the Polish People's Republic
to the Regional Committee for Europe of the World
Health Organization for the duration of the twelfth
session to be held in Warsaw in 1962

Article 1

The Government of the Polish People's Republic acknowledges that the World Health Organization possesses in Poland juridical personality and the legal capacity necessary for the achievement of its aims and the performance of its functions. The World Health Organization is entitled:

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

Article 2

The Government of the Polish People's Republic recognizes the immunity of the World Health Organization from jurisdiction. No legal process may be instituted against it except in so far as in any particular case it has expressly waived its immunity, or if waiver of its immunity results from a clause of a contract; provided that no waiver of immunity shall extend to any measure of execution.

Article 3

The Government of the Polish People's Republic acknowledges the inviolability of all premises occupied by the World Health Organization for the purposes of its Assemblies and of any other meeting covered by it in Poland.

All the archives of the World Health Organization and all documents belonging to it or held by it shall also be inviolable.

Article 4

The World Health Organization may receive, hold funds, and dispose freely of currency and transferable securities of any kind, subject to compliance with the law of Poland governing monetary exchange.

Article 5

The World Health Organization shall be exempt from all taxes, on the understanding that it will not claim exemption from taxes which are charges for public utility services.

Article 6

The World Health Organization shall be completely exempt from customs duties on all goods for its official use.

It is understood, however, that articles imported under such exemption will not be sold on Polish territory except under conditions agreed to with the Polish authorities.

Importation and exportation of the publications of the World Health Organization shall not be subject to any restriction.

Article 7

The World Health Organization shall enjoy for its official postal, telegraphic and telephone communications treatment not less favourable than that accorded to diplomatic missions in Poland.

The World Health Organization shall have the right to use codes, to despatch and receive correspondence by courier, and to make use of diplomatic bags.

Article 8

The Government of the Polish People's Republic shall, on receipt of an application for a visa, take all measures required to facilitate the entry into,

residence in, and departure from Polish territory of all persons required in an official capacity to attend meetings of the European Regional Office of the World Health Organization that is to say:

- (a) representatives of Member States, irrespective of the relations existing between Poland and those States;
- (b) members of the Executive Council of the World Health Organization, irrespective of their nationality;
- (c) agents, officials and experts of the World Health Organization;
- (d) persons, irrespective of their nationality, summoned by the World Health Organization.

Article 9

Representatives of States members of the World Health Organization at meetings convened by it shall, while exercising their functions and during their stay in Poland, enjoy the following immunities, privileges and facilities:

- (a) immunity from arrest or detention and from seizure of their personal baggage and, in respect of acts done by them in their official capacity (including speech and writing), immunity from all jurisdiction;
- (b) inviolability for all papers and documents;
- (c) the same facilities in respect of currency and exchange restrictions as those granted by the law of Poland to members of the staff of diplomatic missions accredited in Poland;
- (d) the same customs facilities in respect of personal baggage as those granted by the law of Poland to members of the staff of comparable rank of diplomatic missions accredited in Poland.

Article 10

The Director General of the World Health Organization and his deputies, and the Director of the European Regional Office and his deputy, shall while exercising their functions and during their stay in Poland enjoy the immunities, privileges and facilities granted to members of diplomatic missions accredited in Poland.

Article 11

Officials and experts of the World Health Organization shall enjoy the following immunities, privileges and facilities:

- (a) exemption from legal process in respect of acts performed in the exercise of their functions, including speech and writing;
- (b) exemption from all taxes on the salary and emoluments paid to them by the World Health Organization;
- (c) the same facilities in respect of exchange as those granted by the law of Poland to members of the staff of diplomatic missions accredited in Poland;
- (d) the right to import and export free of duty a reasonable quantity of goods for their personal use during their travel and their stay in Poland.

Article 12

The immunities, privileges and facilities prescribed by the present Arrangement shall be granted to officials of the World Health Organization solely in the interests of the Organization and not for their personal benefit.

The World Health Organization shall be under a duty and have the right to waive the immunity of an official in any case where in its opinion the immunity would impede the ordinary course of justice and where the same can be waived without prejudice to the vital interests of the World Health Organization.

The World Health Organization shall co-operate at all times with the Polish authorities to prevent any abuse of the immunities, privileges and facilities prescribed by the present Arrangement.

II

The World Health Organization presents its compliments to the Permanent Mission of the People's Republic of Poland to the European Office of the United Nations, and has the honour to acknowledge receipt of the note and attached documents by the Mission dispatched to it on 11 August 1962.

The World Health Organization has noted the facilities, privileges and immunities which the Government of the People's Republic of Poland is prepared to grant to the European Regional Committee for the duration of the twelfth session

to be held at Warsaw in 1962. It hereby accepts the provisions set out in the document attached to the note aforesaid, and, as proposed by the Permanent Mission of the Polish People's Republic, agrees that the note from the Permanent Mission, the annex thereto and the present reply shall constitute the Arrangement between the Government of the People's Republic of Poland and the World Health Organization concerning the facilities, privileges and immunities to be enjoyed by the representatives of member States, experts and officials of the Organization during the twelfth session of the Regional Committee. It is understood that the said Arrangement will enter into force on 11 August 1962 and will cease to have effect thirty days after the end of the Warsaw session of the European Regional Committee.

The World Health Organization takes this opportunity of assuring the Permanent Mission of the People's Republic of Poland of its deepest respect.

Geneva, 16 August 1962.

5. INTERNATIONAL ATOMIC ENERGY AGENCY

- (a) Agreement^{1/} on the privileges and immunities of the International Atomic Energy Agency. Approved by the Board of Governors of the Agency on 1 July 1959

The following States accepted the Agreement on the privileges and immunities of the International Atomic Energy Agency in 1962:^{2/}

<u>State</u>	<u>Date of deposit of instrument of acceptance</u>
Republic of Korea ^{3/}	17 January 1962
Denmark ^{4/}	14 March 1962
Thailand ^{5/}	15 May 1962
Philippines	17 December 1962

This brought up to 12 the number of States parties to the Agreement.

1/ United Nations, Treaty Series, vol. 374, p. 147.

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

3/ With the following reservation: "Locally recruited personnel who are considered as officials of the Agency under the Agreement shall not enjoy the privileges and immunities set forth in paragraphs (ii), (iii), (iv), (v) and (vi) of Section 18, and Section 19." (Translation)

4/ With the following reservation: "Notwithstanding Sections 20 and 32, the Danish Government reserve the right to apply the Danish legislation concerning duties and excise-taxes to Danish citizens, and to other persons in so far as they conduct private business in Denmark."

5/ With the following reservation: "... the Government of Thailand hereby accept the said Agreement with the reservation that the officials of the Agency to be accorded privileges and immunities according to this Agreement who are of Thai nationality shall not be immune from national service obligation."

- (b) Agreement^{1/} between the International Atomic Energy Agency and the Government of Pakistan for assistance by the Agency to Pakistan in establishing a research reactor project.
Signed at Vienna, on 5 March 1962

Article VII

Agency Inspectors

Section 9. The provisions concerning Agency inspectors will be those set out in Agency document GC(V)/INF/39, annex. Pakistan shall apply the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency to the Agency inspectors and to any property of the Agency used by them in performing their functions.

^{1/} Came into force on 5 March 1962.