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UNITED NATIONS JURIDICAL YEARBOOK

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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 OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. Treaty provisions concerning the Legal Status of the United Nations

1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS.¹ 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 1963:²

<i>State</i>	<i>Date of receipt of instrument of accession³</i>
Algeria ⁴	31 October 1963
Cambodia	6 November 1963
Cyprus	5 November 1963 ^d
Jamaica	9 September 1963
Japan	18 April 1963
Kuwait	13 December 1963
Peru	24 July 1963
Senegal	27 May 1963 ^d
Somalia	9 July 1963
Yemen	23 July 1963

This brought up to 86 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.

⁴ With the following reservation:

The Democratic and Popular Republic of Algeria does not consider itself bound by section 30 of the said Convention which provides for the compulsory jurisdiction of the International Court of Justice in the case of differences arising out of the interpretation or application of the Convention. It declares that, for the submission of a particular dispute to the International Court of Justice for settlement, the consent of all parties to the dispute is necessary in each case.

This reservation also applies to the provision of the same section that the advisory opinion given by the International Court of Justice shall be accepted as decisive.

2. AGREEMENTS RELATING TO CONFERENCES, SEMINARS AND SIMILAR BODIES

- (a) Agreement between the United Nations and the Government of Austria regarding the arrangements for the Vienna Conference on Consular Relations.¹ Signed at Vienna, on 29 January 1963

IV. *Local personnel for the Conference*

...

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

VI. *Privileges and immunities*

- (1) The Convention on the Privileges and Immunities of the United Nations, to which the Republic of Austria is a party, shall be applicable with respect to the Conference.

- (2) The Government will accord representatives attending the Conference and those officials of the United Nations connected with the Conference the same privileges and immunities as accorded to representatives to, and officials of comparable rank of, the International Atomic Energy Agency, under the Headquarters Agreement between the Republic of Austria and the IAEA.

- (3) Representatives of States non-members of the United Nations attending the Conference shall enjoy the same privileges and immunities as accorded representatives of States Members of the Organization.

- (4) Observers 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.

- (5) The area designated under Section 1 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.

- (6) The Austrian authorities shall impose no impediment to transit to and from the Conference of the following categories of persons attending the Conference: representatives of Governments and their immediate families; observers of specialized agencies and inter-governmental organizations and their immediate families; officials and experts of the United Nations and their immediate families; observers of non-governmental organizations having consultative status with the Economic and Social Council of the United Nations; representatives of the press or of radio, television, film or other information agencies accredited by the United Nations at its discretion after consultation with the Government; and other persons invited to the Conference by the United Nations on official business. Any visa required for such persons shall be granted promptly and without charge.

- (b) Agreement between the United Nations and the Government of Italy regarding the arrangements for the United Nations Conference on International Travel and Tourism.² Signed at Geneva, on 26 July 1963

¹ Came into force on 29 January 1963.

² Came into force on 26 July 1963.

IV. *Local personnel for the Conference*

...

3. [Similar to article IV (2) in (a) above]

VI. *Privileges and immunities*

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

2. Representatives of States non-members of the United Nations attending the Conference shall enjoy the same privileges and immunities as accorded 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 Article I, section 1, 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 in particular 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 of their immediate families, and shall grant any visa required for such persons promptly and without charge.

VII. *Import duties and taxes*

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 Conference. 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 the official requirements and entertainment schedule of the Conference, to be designated in a separate letter agreement between the United Nations and the Government, to be negotiated with the liaison officer appointed by the Government. United Nations officials coming from abroad and travelling by car with non-Italian registration plates shall enjoy while in Italy the same car-fuel privileges as are granted to the international staff of the Food and Agriculture Organization.

(c) Agreement between the United Nations and the Government of the Congo (Leopoldville) concerning the holding of the fifth session of the Economic Commission for Africa and accompanying meetings.³ Signed at Leopoldville, on 26 December 1962, and at New York, on 11 January 1963

V. *Local personnel for the session*

...

- (3) [Similar to article IV (2) in (a) above]

³ Came into force on 11 January 1963.

VI. *Privileges and immunities*

(1) The Convention on the Privileges and Immunities of the United Nations shall be applicable with respect to the Session. Accordingly, United Nations officials performing functions in connexion with the Session shall enjoy the privileges and immunities provided for 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 for in the Convention on the Privileges and Immunities of the Specialized Agencies.

(3) Without prejudice to the provisions of the preceding paragraphs, all participants and other persons performing functions in connexion with the Session shall enjoy such privileges and immunities, facilities and favourable treatment as are essential to the free exercise of those functions.

(4) All participants and other persons performing functions in connexion with the Session who are not nationals of the Republic of the Congo (Leopoldville) shall be permitted to enter and leave the Republic. They shall receive facilities enabling them to expedite their travel. Any visas required for such persons shall be granted without charge.

(5) The area designated under section I shall be deemed to constitute United Nations premises, and access to the Session area and to office space therein shall be under the control and authority of the United Nations.

(d) Agreement between the United Nations and the Government of Australia relating to a seminar on the role of the police in the protection of human rights.⁴ Signed at Canberra, on 13 May 1963

Article IV

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 invited by 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 and as are consistent with the laws of Australia.

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

(e) Agreement between the United Nations and the Government of Poland relating to the seminar on the rights of the child.⁵ Signed at New York, on 16 July 1963

⁴ Came into force on 13 May 1963.

⁵ Came into force on 16 July 1963.

Article V

Facilities, privileges and immunities

1. [Similar to article IV (1) in (d) above]
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 specialised agencies.
3. [Similar to article IV (3) in (d) above, with the omission of the final phrase “and as are consistent with the laws of . . .”]
4. [Similar to article IV (4) in (d) above]

(f) Agreement between the United Nations and the Government of Colombia relating to the seminar on the status of women in family law.⁶ Signed at Bogotá and New York, on 27 August 1963

Article IV

Facilities, privileges and immunities

1. [Similar to article IV (1) in (d) above]
2. [Similar to article IV (2) in (d) above]
3. [Similar to article V (3) in (e) above]
4. [Similar to article IV (4) in (d) above]

(g) Agreement between the United Nations and the Government of India concerning the Demographic Training and Research Centre, Chembur.⁷ Signed at New Delhi, on 20 and 27 December 1962

Article IV

Obligations on the part of the Government of India

...

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

(h) Agreement between the United Nations and the Government of the United Arab Republic relating to the Establishment of a Regional Centre for Demographic Research and Training in Africa.⁸ Signed at New York, on 8 February 1963

⁶ Came into force on 27 August 1963.

⁷ Came into force on 1 January 1963.

⁸ Came into force provisionally on 8 February 1963 and definitively on 30 June 1963.

Article VI

Co-operation of the Government

...

2. The Government shall be responsible for dealing with any claims which may be brought by third parties residing within its territory against the United Nations or its personnel, and shall hold the United Nations and its personnel harmless in case of any such claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Parties that such claims or liabilities arise from gross negligence or the wilful misconduct of such personnel.

Article VII

Facilities, Privileges and Immunities

1. Officials of the United Nations performing functions in connexion with the Centre shall enjoy the privileges and immunities provided under Articles V and VII of the Convention on the Privileges and Immunities of the United Nations, and the members of the Governing Body and of the Advisory Committee designated by the Executive Secretary of the Economic Commission for Africa who are not otherwise officials of the Organization shall enjoy the privileges and immunities under Article VI of the Convention.

2. Without prejudice to the foregoing provision, the Government undertakes to accord all members of the Governing Body and of the Advisory Committee such facilities and courtesies as are necessary for the exercise of their functions in connexion with the Centre.

3. All holders of United Nations fellowships at the Centre who are not nationals of the United Arab Republic shall have right of entry into and exit from the United Arab Republic, and of sojourn there for the period necessary for their training. They shall be granted facilities for speedy travel; visas, where required, shall be granted promptly and free of charge.

3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND: REVISED MODEL AGREEMENT CONCERNING THE ACTIVITIES OF UNICEF¹

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.

¹ UNICEF *Field Manual*, Vol. II, Part IV-2, Appendix A (16 August 1961).

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.

Agreements between UNICEF and the Governments of Tanganyika, Mauritania, Ethiopia, Trinidad and Tobago, Iran and Iraq concerning the activities of UNICEF in these countries.² Signed respectively at Kampala on 27 July 1962 and Dar es Salaam on 25 January 1963, at New York on 4 December 1961 and Nouakchott on 19 January 1962, at Addis Ababa on 1 April 1963, at Port-of-Spain on 8 August 1963, at Tehran on 21 November 1963, and at Baghdad on 3 December 1963.

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

² Came into force, respectively, on 25 January 1963, 31 January 1963, 1 April 1963, 8 August 1963, 21 November 1963 and 3 December 1963.

4. AGREEMENTS RELATING TO TECHNICAL ASSISTANCE: MODEL REVISED STANDARD AGREEMENT CONCERNING TECHNICAL ASSISTANCE¹

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 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,

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

- (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 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 Rwanda, Burundi, Nepal, Tanganyika, the Syrian Arab Republic, Cyprus, the Upper Volta, Trinidad and Tobago, Mali, Jamaica, Uganda, the United Arab Republic, the Central African Republic and the Congo (Brazzaville) concerning technical assistance.² Signed respectively at Kigali on 23 January 1963, at Usumbura on 5 February 1963, at Kathmandu on 14 February 1963, at Dar es Salaam on 6 March 1963, at Damascus on 12 December 1962, at Nicosia on 18 April 1963, at Ouagadougou on 18 April 1963, at Port-of-Spain on 6 May 1963, at New York on 9 May 1963, at Kingston on 22 May 1963, at New York on 24 May 1963, at Cairo on 10 September 1963, at Bangui on 30 October 1963 and at Brazzaville on 7 November 1963

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

- (b) Basic Agreement 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 Government of Mongolia, concerning technical assistance.³ Signed at Ulan Bator, on 24 May 1963,

² Came into force, respectively, on 23 January 1963, 5 February 1963, 14 February 1963, 6 March 1963, 16 March 1963, 18 April 1963, 18 April 1963, 6 May 1963, 9 May 1963, 22 May 1963, 24 May 1963, 10 September 1963, 30 October 1963 and 7 November 1963.

³ Came into force on 24 May 1963.

This agreement contains articles similar to articles I (6) and V of the model revised standard agreement, except that article V (1) begins as follows: "The Government, in so far as it is not already bound to do so, shall agree, as courtesy, to apply to the Organizations, . . ."

- (c) Standard Agreement 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 Government of Mexico, concerning technical assistance.⁴ Signed at Mexico City, on 23 July 1963

This agreement contains articles similar to articles I (6) and V of the model revised standard agreement, except that article V (1) is worded as follows:

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 as approved by the Mexican Senate and in accordance with the Presidential Decree of 13 February 1962;
- (b) in respect of the Specialized Agencies, and the International Atomic Energy Agency, pending the accession to the pertinent convention and agreement on Privileges and Immunities, the corresponding Articles of the Convention on the Privileges and Immunities of the United Nations as approved by the Mexican Senate and in accordance with the Presidential Decree of 13 February 1962.

- (d) Revised Standard Agreements 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 El Salvador and Honduras, concerning technical assistance.⁵ Signed respectively at San Salvador on 31 July 1963 and at Tegucigalpa on 8 November 1963

These agreements contain articles similar to articles I (6) and V of the model revised standard agreement, except that the second sentence of article V (2) has been replaced by the following:

When carrying out their responsibilities under this Agreement, the Organizations, their experts and other officials shall benefit, in particular, of the following rights and facilities:

⁴ Came into force on 23 July 1963.

⁵ Came into force on the respective dates of signature.

- (a) the prompt issuance without cost of necessary visas, licenses 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 connection 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 Organizations.

- (e) Exchanges of letters constituting agreements⁶ amending, respectively, the Standard Agreements of 31 May – 26 July 1956, 19 June 1958, 1 March 1957, 31 August 1956 and 27 April 1957 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 and the World Meteorological Organization, and the Governments of Yemen, the Republic of Korea, Bolivia, India and Panama, concerning technical assistance. New York, 4 April 1963 and Sana'a, 14 April 1963 ; New York, 4 April 1963 and Seoul, 18 May 1963 ; La Paz, 24 September 1963 ; New York, 19 June 1963, and New Delhi, 3 July and 3 October 1963 ; New York, 31 July 1963 and Panama, 18 October 1963

By the exchanges of letters listed above articles I (6) and V of the Standard Agreements have been brought into line with articles I (6) and V of the model revised standard agreement.

- (f) Exchange of notes constituting an agreement⁷ amending the Basic Agreement of 12 June 1956 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 and the World Meteorological Organization, and the Government of Argentina, concerning technical assistance. New York, 18 October 1963 and Buenos Aires, 31 December 1963

By this exchange of notes, article I (6) of the Basic Agreement has been brought into line with article I (6) of the model revised standard agreement and a reference to the Agreement on the Privileges and Immunities of the International Atomic Energy Agency has been added to article V, the original text of which read as follows:

1. Until such time as the Government of the Argentine Republic has ratified the Convention on the Privileges and Immunities of the United Nations, and the Convention on the Privileges and Immunities of the Specialized Agencies, the Government will extend to the Organizations, their experts and their Technical Assistance officials referred to in this

⁶ Came into force, respectively, on 14 April 1963, 18 May 1963, 24 September 1963, 3 October 1963 and 18 October 1963.

⁷ Came into force on 31 December 1963.

Agreement, the privileges and immunities provided for in these Conventions which can be applied.

2. The Organizations and technical assistance officials referred to in this Agreement shall have the benefit of the most favourable legal rate of conversion of currency in effect in the Argentine Republic at the time of conversion, provided that the latter is required for the fulfilment of functions referred to in this Agreement, including the conversion of any proportion of the experts' salaries.

5. AGREEMENTS RELATING TO THE SPECIAL FUND: MODEL AGREEMENT CONCERNING ASSISTANCE FROM THE SPECIAL FUND¹

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 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;

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

(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 between the United Nations Special Fund and the Governments of Uganda,² Trinidad and Tobago,² the Netherlands,³ Jamaica,² the Congo (Leopoldville),² Burundi² and the Central African Republic² concerning assistance from the Special Fund. Signed respectively at New York on 22 March 1963, at Port-of-Spain on 6 May 1963, at New York on 24 May 1963, at Kingston on 22 June 1963, at Leopoldville on 26 July 1963, at Usumbura on 22 August 1963, and at Bangui on 30 October 1963

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

² Came into force on the date of signature.

³ Applied provisionally as from 24 May 1963.

(b) 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.⁴ 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:

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.

⁴ Came into force on 18 April 1963. Had been applied provisionally as from 31 October 1962.

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 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.

(c) Agreement between the United Nations Special Fund and the Government of New Zealand concerning assistance from the Special Fund.⁵ Signed at New York, on 28 June 1963

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

I

New Zealand Mission
to the United Nations
733 Third Avenue
New York 17, N.Y.
28 June 1963

Sir,

I have the honour to refer to the Agreement signed today between the Government of New Zealand and the Special Fund for the provision of assistance from the latter and to convey to you the following observations of the Government of New Zealand concerning specific provisions of the Agreement.

(a) Article VIII, paragraphs 3 and 5, of the Agreement envisages the grant to private firms of certain fiscal privileges. Since those privileges are not in fact provided for in New Zealand law, it is unlikely that the New Zealand Government would enter into Plans of Operation involving a grant of such privileges.

(b) In connection with article VIII, paragraph 2, of the Agreement, which requires the Government to apply to each specialised agency acting as an executing agency the Con-

⁵ Came into force on 28 June 1963.

vention on the Privileges and Immunities of the Specialised Agencies, I should like to draw your attention to the declaration concerning article IV, section 11, of the Convention made by the Government of New Zealand in acceding thereto. In applying the afore-mentioned Convention with respect to Special Fund activities, the Government would propose to act with reference to this declaration.

If the foregoing observations meet with the assent of the Special Fund, I have the honour to suggest that the present letter together with your reply in that sense shall be regarded as placing on record the position of the Government of New Zealand and of the Special Fund on this matter.

Accept, Sir, the assurances of my highest consideration.

P. H. CORNER
Permanent Representative

The Managing Director
Special Fund
United Nations Secretariat
New York 17,
New York

II

28 June 1963

Sir,

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

[See letter I]

The Special Fund takes note of the intentions expressed by your Government as set out in the letter quoted above and agrees that your letter, together with this reply, shall be regarded as placing on record the positions of the Government of New Zealand and of the Special Fund on this matter.

Accept, Sir, the assurances of my highest consideration.

Paul G. HOFFMAN
Managing Director

The Permanent Representative
of New Zealand
to the United Nations
733 Third Avenue
New York 17, New York

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

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 the Government hereunder is in furtherance of the purposes of the United Nations. Accordingly, the officers shall not be required to perform any function incompatible with such special international status or with the purposes of the United Nations.

4. In implementation of the preceding paragraph, but without restricting its generality or the generality of the last sentence of paragraph 1 of Article I, any agreements entered into by the Government with the officers shall embody a specific provision to the effect that the officer shall not perform any functions incompatible with his special international status or with the purposes of the United Nations.

Article IV

Obligations of the Government

...

5. The Government recognizes that 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 salaries and emoluments paid to them by the United Nations;

(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 exchange facilities as are accorded to the officials of comparable ranks 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 crisis as diplomatic envoys;

(g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

6. The assistance rendered pursuant to the terms of this Agreement is in the exclusive interest and for the exclusive benefit of the people and Government of In recognition thereof, the Government shall bear all risks and claims resulting from, occurring in the course of, or otherwise connected with any operation covered by this Agreement. Without restricting the generality of the preceding sentence, the Government shall indemnify and hold harmless the United Nations and the officers against any and all liability suits, actions, demands, damages, costs or fees on account of death, injuries to person or property, or any other losses resulting from or connected with any act or omission performed in the course of operations covered by this Agreement.

(a) Agreements between the United Nations and the Governments of Israel,¹ the Syrian Arab Republic,² Saudi Arabia,¹ Trinidad and Tobago,¹ Mali,¹ Uganda¹ and the United Arab Republic³ for the provision of operational, executive and administrative personnel. Signed, respectively, at Jerusalem on 7 January 1963, at Damascus on 17 November 1962, at Riyadh on 16 March 1963, at Port-of-Spain on 6 May 1963, at New York on 9 May 1963, at New York on 29 May 1963, and at Cairo on 27 August 1963

¹ Came into force on the date of signature.

² Came into force on 16 March 1963.

³ Came into force provisionally on 27 August 1963.

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

- (b) Agreement between the United Nations and the Government of Nicaragua for the provision of operational, executive and administrative personnel.⁴ Signed at New York, on 3 December 1963

This agreement contains articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement, except that the following sentence has been added at the end of article IV (6):

For its part, the United Nations shall, if both Parties agree that the OPEX officer has abused his authority or committed a serious fault, waive the provisions of this paragraph in order to enable the Government to hold the officer responsible for any harm or damage which he may have caused.

- (c) Agreement between the United Nations and the Government of the Dominican Republic for the provision of operational, executive and administrative personnel.⁵ Signed at Santo Domingo, on 5 August 1963

This agreement contains articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement, except that article IV (6) reads as follows:

6. The assistance rendered pursuant to this Agreement is in the exclusive interest and for the exclusive benefit of the people and Government of the Dominican Republic. In recognition thereof, the Government shall bear all the risks and claims resulting from operations covered by this Agreement. Without restricting the generality of the preceding sentence, the Government shall indemnify or hold harmless the United Nations or the officers against liability suits, actions, demands, damages, costs or fees on account of death, injuries to person or property, or any other losses resulting from or being the direct consequence of any act or omission occurring in the course of operations covered by this Agreement.

It is understood that the Government will hold officers harmless or bear risks and claims for them only for acts directly connected with the functions which they perform by virtue of this Agreement.

For its part, the United Nations shall, if both Parties agree that the OPEX officer has abused his authority or committed a serious fault, waive the provisions of this paragraph in order to enable the officer to assume responsibility for any harm or damage which he might have caused.

- (d) Agreement between the United Nations and the Government of the United Kingdom of Great Britain and Northern Ireland for the provision of operational and executive personnel.⁶ Signed at New York, on 27 June 1963

This agreement contains articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement, except that article II (4) has been omitted and the following sentence has been added at the end of article II (3): "and any agreement entered into by the Government of the Territory concerned with any officers shall embody a specific provision to that effect."

The agreement is accompanied by the following exchange of letters:

⁴ Came into force on 3 December 1963.

⁵ Came into force on 5 August 1963.

⁶ Came into force on 27 June 1963.

(22534/50/63)

United Kingdom Mission
to the United Nations
845 Third Avenue
New York
June 27, 1963

Your Excellency,

With reference to the Agreement signed to-day between the Government of the United Kingdom of Great Britain and Northern Ireland and the United Nations for the Provision of Operational and Executive Personnel to the Trust, Non-Self-Governing and other Territories for whose international relations the Government of the United Kingdom are responsible with the exception of the Federation of Rhodesia and Nyasaland, I have the honour to inform you of the following understandings of the Government of the United Kingdom:—

(a) That in deciding whether to waive immunities accorded an officer under the OPEX Agreement the Secretary-General will be guided by the same considerations as are laid down in Section 20 of Article V of the Convention on the Privileges and Immunities of the United Nations, in respect of officials.

(b) The provisions of paragraph 6 of Article IV of the Agreement will, in relation to any officer, apply only in respect of acts and omissions of an officer relating to any operation covered by this Agreement, not amounting to wilful neglect or reckless misconduct on his part.

(c) In the event of any payment being made in accordance with the provisions of paragraph 6 of Article IV of the Agreement, subject to sub-paragraph (b) above, the Government of a Territory making such payment will be entitled to exercise and enjoy the benefit of all rights and claims of the United Nations or the officer concerned, as the case may require, against third persons.

(d) The United Nations or the officer concerned, as the case may require, will place at the disposal of the Government of a Territory any information or other assistance required for the fulfilment of the purpose of sub-paragraph (c) above or for the handling of any case to which paragraph 6 of Article IV of the Agreement, subject to sub-paragraph (c) above, relates.

If the foregoing is also the understanding of the United Nations I have the honour to suggest that the present letter together with your reply in that sense shall be regarded as placing on record the understanding of the Government of the United Kingdom of Great Britain and Northern Ireland and of the United Nations in this matter.

R. W. JACKLING
Deputy Permanent Representative
of the United Kingdom of Great Britain
and Northern Ireland
to the United Nations

His Excellency U Thant
Secretary-General
United Nations
New York

II

U.K. Territories

27 June 1963

Sir,

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

[See letter I]

Mr. Roger W. Jackling, C.M.G.
Deputy Permanent Representative
of the United Kingdom of Great Britain
and Northern Ireland to the United Nations
845 Third Avenue
New York 22, New York

It gives me pleasure to confirm on behalf of the United Nations the agreement of the United Nations to the proposals contained in your letter quoted above. Accordingly, your letter, together with this reply, shall be regarded as placing on record the understanding of the Government of the United Kingdom of Great Britain and Northern Ireland and of the United Nations in this matter.

Accept, Sir, the assurances of my highest consideration.

Chi-Yuen Wu
Acting Commissioner for Technical Assistance

(e) Agreement between the United Nations and the Government of Jamaica for the provision of operational, executive and administrative personnel.⁷
Signed at Kingston, on 22 May 1963

This agreement contains articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement.

Exchange of letters constituting an agreement⁸ between the United Nations and the Government of Jamaica relating to the above-mentioned agreement. Kingston, 11 and 23 September 1963

I

119/02

Ministry of External Affairs
P.O. Box 624
Kingston, Jamaica
11 September 1963

Sir,

This is with reference to the Agreement covering provision by the United Nations of Experts in response to the Jamaica Government's request for operational or executive personnel.

⁷ Came into force on 22 May 1963.

⁸ Came into force on 23 September 1963.

I am directed to convey to you the proposal of the Government of Jamaica that the provisions of paragraph 6 of Article 4 of this Agreement shall apply only in respect of acts or omissions taking place after the entry into force thereof in the execution within Jamaica of programmes arranged pursuant to the Agreement not amounting to a wilful neglect or reckless misconduct of the experts, agents or employees concerned.

I am, Sir,

Your obedient servant,

C. J. BURGESS
for Permanent Secretary
Ministry of External Affairs

Mr. Jaime Balcazar-Aranibar
Acting Regional Representative
UNTAB
Port-of-Spain, Trinidad

II

TAB/313/9-134

23 September 1963

Dear Sir,

I have the honour to acknowledge receipt of your letter dated 11 September—No. 119/02, with reference to the Agreement covering provision by the United Nations of experts for operational or executive personnel, reading as follows:

[See letter I]

I am pleased to inform you that the proposal of your Government is acceptable to the United Nations.

Yours sincerely,

Jaime BALCAZAR-ARANIBAR
Acting Regional Representative

Mr. James Lloyd
Permanent Secretary
Ministry of Foreign Affairs
Kingston, Jamaica

- (f) Exchange of letters constituting an agreement⁹ between the United Nations and the Government of Tanganyika regarding the interpretation of article IV, paragraph 6 of the Agreement¹⁰ of 1 June 1962 for the provision of operational, executive and administrative personnel. Dar es Salaam, 16 and 18 October 1963

⁹ Came into force on 18 October 1963.

¹⁰ This agreement contains articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement.

I

TAN 6-16-1

16 October 1963

Sir,

I have the honour to refer to the Agreement between the United Nations and the Government of Tanganyika, governing the provision of operational, executive and administrative personnel signed on the 1st June, 1962.

With reference to Article IV, paragraph 6, of this Agreement, it is to be understood the phrase contained therein, namely "claims resulting from, occurring in the course of, or otherwise connected with any operation covered by this Agreement", shall not be deemed to include any claims arising from wilful or reckless acts or omissions, attributable to the officers, which violate the regulations, rules or administrative instructions governing the activities and conduct of such officers, or which are clearly inconsistent with the responsibilities and functions entrusted to them.

The question of whether or not any particular case shall or shall not be deemed to be the liability of the Government (under a revised liability clause) shall be dealt with on a case-by-case basis, and by agreement between the Government and the United Nations.

Upon receipt of a communication from the Government of Tanganyika signifying acceptance of the foregoing clarification of Article IV, paragraph 6, of the Agreement, the Agreement shall be deemed to be modified by this exchange of letters.

Accept, Sir, the assurance of my highest consideration.

Robin T. MILLER
Deputy Regional Representative

The Permanent Secretary
The Treasury
P.O. Box 9111
Dar es Salaam

II

The Treasury
P.O. Box 9111
Dar es Salaam
Tanganyika

TY/E. 520/12/190

18 October 1963

Dear Sir,

I am directed to acknowledge receipt of your letter No: TAN 6-16-1 of the 16th October, 1963, and to say that:

[See letter I]

Yours faithfully,

G.M.S. MANALLA
Permanent Secretary

The Deputy Regional Representative
UNTAB
P.O. Box 9182
Dar es Salaam

7. EXCHANGE OF LETTERS CONSTITUTING AN ADDITIONAL AGREEMENT¹
TO THE INTERIM ARRANGEMENT OF 11 JUNE AND 1 JULY 1946 ON
PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS CONCLUDED
BETWEEN THE SECRETARY-GENERAL OF THE UNITED NATIONS AND
THE SWISS FEDERAL COUNCIL. BERNE, 5 APRIL 1963, AND GENEVA, 11
APRIL 1963

I

Federal Political Department
Berne, 5 April 1963

Sir,

We have the honour to propose the following changes in the Interim Arrangement on Privileges and Immunities of the United Nations concluded between the Federal Council and the Secretary-General of the United Nations on 19 April 1946:²

1. The title of the Interim Arrangement shall be amended and shall now become: "Agreement on Privileges and Immunities of the United Nations concluded between the Swiss Federal Council and the Secretary-General of the United Nations" on 19 April 1946".

2. Article V, section 16, of the Interim Arrangement shall be replaced by the following text:

"Section 16. The Secretary-General and the Assistant Secretaries-General, and the officials assimilated to them, shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law and international usage.

"In addition, officials in the categories which are specified by the Secretary-General, or by the person authorized by him, and which are agreed to by the Swiss Federal Council, shall be accorded the privileges and immunities, exemptions and facilities accorded to diplomatic agents who are not heads of mission."

This letter and your affirmative reply will be the documents constituting the agreement which introduces the amendments proposed.

We have the honour to be, etc.

Federal Political Department
International Organizations
(Signature illegible)

The Director of the European Office
of the United Nations
Palais des Nations
Geneva

II

Geneva, 11 April 1963

Sir,

I have the honour to acknowledge receipt of your letter of 5 April 1963 in which you were good enough, on behalf of the Federal Council, to propose to the United Nations the following changes in the Interim Arrangement on Privileges and Immunities of this Organi-

¹ Came into force on 11 April 1963.

² The date on which the Interim Arrangement was initialled.

zation, concluded between the Federal Council and the Secretary-General of the United Nations on 19 April 1946:

[See letter I]

I have the honour to inform you that I accept, on behalf of the Secretary-General of the United Nations, the proposed amendments set forth above.

Your aforementioned letter of 5 April 1963 and this reply will be the documents constituting the agreement which introduces the amendments proposed.

I have the honour to be, etc.

P. P. Spinelli
Under-Secretary
Director of the European Office
of the United Nations

Mr. Jakob Burkhardt
Head of the International Organizations Division
Federal Political Department
Berne

8. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE UNITED NATIONS AND SAUDI ARABIA RELATING TO PRIVILEGES, IMMUNITIES AND FACILITIES FOR THE OBSERVATION OPERATION ALONG THE SAUDI ARABIA-YEMEN BORDER ESTABLISHED PURSUANT TO THE SECURITY COUNCIL RESOLUTION OF 11 JUNE 1963.¹ NEW YORK, 23 AUGUST 1963

I

United Nations
New York

PO 230 SAUDI ARABIA

23 August 1963

Sir,

I have the honour to refer to the resolution of 11 June 1963, by which the United Nations Security Council requested the Secretary-General to establish the Observation Operation along the Saudi Arabia-Yemen border as defined by him in his reports and statements to the Security Council.

In order to facilitate the Operation in the fulfillment of its purposes, I propose that your Government, pending its accession to the Convention on the Privileges and Immunities of the United Nations, might extend to the Operation, its property and assets the status, privileges and immunities provided therein. I would also propose, in view of the special importance and difficult nature of the functions which this Operation will perform, that your Government might extend to the Commander of the Operation and to all personnel serving under him including military observers, secretariat and experts—over and above the status provided under the Convention on the Privileges and Immunities of the United Nations—the privileges and immunities, exemptions and facilities which are enjoyed by diplomatic

¹ Came into force on 23 August 1963 and became effective retroactively from 13 June 1963.

envoys in accordance with international law. The privileges and immunities necessary for the fulfillment of the functions of the Operation also include freedom of entry, without delay or hindrance, of property, equipment and spare parts; freedom of movement of personnel, equipment and transport; the use of United Nations vehicle registration plates; the right to fly the United Nations flag on premises, observation posts and vehicles; and the right of unrestricted communication by radio, both within the area of operations and to connect with the United Nations radio network, as well as by telephone, telegraph or other means.

It is my understanding that the Saudi Arabian Government will provide at its own expense, in agreement with the Commander, all such premises as may be necessary for the accommodation and fulfillment of the functions of the Operation, including office space and areas for observation posts and field centres. All such premises shall be inviolable and subject to the exclusive control and authority of the Operation. I likewise understand that your Government will in consultation with the Operation provide for necessary means of transportation and communication.

If those proposals meet with your approval, I should like to suggest that this letter and your reply should constitute an agreement between the United Nations and Saudi Arabia, to take effect from the date of the arrival of the first members of the Operation in Saudi Arabia.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General

Mr. Zein A. Dabbagh
Acting Permanent Representative
of Saudi Arabia to the United Nations
633 Third Avenue
New York 17, New York

II

23 August 1963

Sir,

I have the honour to refer to your letter of today's date concerning certain privileges, immunities and facilities for the Observation Operation established by Security Council Resolution of 11 June 1963. I am pleased to advise you in the name of my Government that, having in mind the difficult nature of the functions of the Observation Operation, the Government of Saudi Arabia fully agrees with and hereby expresses its acceptance of the terms of your letter.

The Government of Saudi Arabia also agrees that your letter and this reply should constitute an agreement between the United Nations and Saudi Arabia, effective from the date of the arrival of the first members of the Observation Operation in Saudi Arabia.

Please accept, Sir, the assurances of my highest consideration.

Zein A. DABBAGH
Acting Permanent Representative
of Saudi Arabia
to the United Nations

His Excellency U Thant
Secretary-General
United Nations
New York, N.Y.

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

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

In 1963, 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:²

<i>State</i>		<i>Date of receipt of instrument of accession or notification</i>	<i>Specialized Agencies</i>
Argentina	Accession	10 October 1963	WHO — Third revised text of annex VII, ICAO, ILO, FAO — Revised text of annex II, UNESCO, BANK, FUND, UPU, ITU, WMO, IMCO, IFC
Brazil	Accession	22 March 1963	WHO, ICAO, ILO, FAO, UNESCO, FUND, UPU, ITU, WMO, IMCO, IFC, IDA
	Notification	24 April 1963	BANK
Federal Republic of Germany	Notification	23 May 1963	FAO — Revised text of annex II
India	Notification	12 April 1963	FAO — Revised text of annex II
Jamaica	Accession	4 November 1963	WHO, ICAO, ILO, FAO, UNESCO, UPU, ITU, WMO
Japan	Accession	18 April 1963	WHO, ICAO, ILO, FAO, UNESCO, BANK, FUND, UPU, ITU, WMO, IMCO, IFC, IDA
Kuwait	Notification	7 February 1963	WHO — Third revised text of annex VII, ICAO, ILO, FAO — Revised text of annex II, UNESCO, BANK, FUND, UPU, WMO, IMCO, IFC, IDA
New Zealand	Notification	17 October 1963	IMCO
Tanganyika	Notification	26 March 1963	WMO
	Notification	10 April 1963	ICAO, BANK, FUND, ITU, IFC

By 31 December 1963, forty-six States were parties to the Convention.

¹ United Nations, *Treaty Series*, vol. 33, p. 261.

² 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. WORLD HEALTH ORGANIZATION

- (a) Basic Agreements between the World Health Organization and the Governments of Mongolia and Syria for the provision of technical advisory assistance.¹ Signed respectively at Ulan Bator on 21 June 1963 and New Delhi on 11 July 1963, and at Damascus on 18 November 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 Mongolia [to the Syrian Arab Republic] who shall be afforded the treatment provided for under Section 21 of the said Convention.

- (b) Basic Agreement between the World Health Organization and the Government of Burundi for the provision of technical advisory assistance.² Signed at Usumbura, on 8 August 1963, and at Brazzaville, on 30 August 1963

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

- (c) Basic Agreement between the World Health Organization and the Government of Jamaica for the provision of technical advisory assistance.³ Signed at Washington, on 12 July 1963, and at Kingston, on 25 September 1963

Article I

Furnishing of Technical Advisory Assistance

...
7. The technical advisory assistance rendered pursuant to the terms of this Agreement is in the exclusive interest and for the exclusive benefit of the Government of Jamaica. In

¹ Came into force, respectively, on 11 July 1963 and 22 September 1963.

² Came into force on 30 August 1963.

³ Came into force on 25 September 1963.

recognition thereof, the Government shall undertake to bear risks and claims resulting from, occurring in the course of, or otherwise connected with any operation covered by this Agreement. Without restricting the generality of the preceding sentence, the Government shall indemnify and hold harmless the Organization and its advisers, agents, or employees against any and all liability suits, actions, demands, damages, costs or fees on account of death, injuries to persons or property, or any other losses resulting from or connected with any act or omission performed in the course of operations covered by this Agreement, except where it is agreed on 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

[Similar to article V in (a) above]

- (d) Agreements between the World Health Organization and the Governments of Burundi and Somalia for the provision of operational assistance.⁴ Signed respectively at Usumbura on 30 August and 19 September 1963, and at Alexandria on 8 November 1963 and Mogadiscio on 23 November 1963

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

⁴ Came into force, respectively, on 19 September 1963 and 23 November 1963.

3. WORLD METEOROLOGICAL ORGANIZATION

Amendments to the Convention of the World Meteorological Organization.
Adopted by the Fourth World Meteorological Congress (1963)

Part XIV

LEGAL STATUS, PRIVILEGES AND IMMUNITIES

Article 26

[Amended text reproduced in this *Yearbook*, p. 147]

4. INTERNATIONAL ATOMIC ENERGY AGENCY

- (a) Agreement on the Privileges and Immunities of the International Atomic Energy Agency.¹ Approved by the Board of Governors of the Agency on 1 July 1959

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

The following States accepted the Agreement on the Privileges and Immunities of the International Atomic Energy Agency in 1963:²

<i>State</i>	<i>Date of deposit of instrument of acceptance</i>
United Arab Republic . .	12 February 1963
Pakistan ³	16 April 1963
Japan.	18 April 1963
Netherlands ⁴	29 August 1963
Yugoslavia	14 October 1963
Argentina	15 October 1963
Ghana	16 December 1963

This brought up to 19 the number of States parties to the Agreement.

- (b) Agreement between the International Atomic Energy Agency and the Governments of Iraq, Lebanon, Libya, Tunisia, the United Arab Republic, etc. for the establishment in Cairo of a Middle Eastern regional radio-isotope centre for the Arab countries.⁵ Approved by the Board of Governors of the Agency on 14 September 1962

Article XI

Legal Status

Section 23. The Centre shall have juridical personality.

Section 24. Save for the obligations expressly provided for in this Agreement, the Agency, the Host State and the Participating States shall have no responsibility for any civil, financial or other obligations in respect of the Centre.

Section 25. The Host State shall accord to the Centre, its premises, property, funds and assets the privileges and immunities which are necessary for the operation of the Centre in conformity with the Agreement on the Privileges and Immunities of the Agency (Agency document INFCIRC/9/Rev. 1).

Section 26. The Host State shall also grant to members of the Governing Body, the Director and the staff of the Centre the privileges and immunities necessary for the exercise of their functions.

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:

"...the concessions and privileges conferred by the Agreement on the employees of the Agency should not be admissible to the Pakistani nationals serving on the staff of the Agency in Pakistan."

The Agency interprets this reservation not to deprive Agency staff members serving in Pakistan, including Pakistani nationals, of the privileges and immunities which follow from the provision in Article XV.B of the Agency's Statute that "the Director-General and the staff of the Agency shall enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Agency." The Government of Pakistan has been informed of this interpretation. (Information furnished by the Agency).

⁴ With the following declaration:

"The term 'country' in article III, sections 6(b) and 8(b) and in article VI, section 18(a)(vi) shall be understood to mean 'any of the individual countries of the Kingdom (viz. the Netherlands, Surinam and the Netherlands Antilles)'."

"In article VIII, section 27, the term 'country' shall, however, be understood to mean 'the Kingdom of the Netherlands'."

⁵ Came into force on 29 January 1963.

Section 27. The Host State shall apply to the Agency, its funds, assets and staff, as well as to the Technical Adviser, technical staff and experts and visiting professors from abroad, the Agreement on the Privileges and Immunities of the Agency.

- (c) Agreement⁶ between the International Atomic Energy Agency, the Government of Japan and the Government of the United States of America for the application of safeguards by the Agency to the bilateral Agreement between those Governments concerning civil uses of atomic energy. Signed at Vienna, on 23 September 1963

Article III

Agency Inspectors

...

Section 16. Japan shall apply the provisions of the Agreement on the Privileges and Immunities of the Agency to the Agency inspectors performing functions consequent upon this Agreement and to any property of the Agency used by them.

Section 17. The provisions of the International Organizations Immunities Act of the United States shall apply to Agency inspectors performing functions in the United States.

- (d) Agreement between the International Atomic Energy Agency and the Government of Mexico for assistance by the Agency to Mexico in establishing a research reactor project.⁷ Signed at Vienna, on 18 December 1963

Article VII

Agency Inspectors

Section 9. The provisions relating to Agency inspectors shall be those set forth in the Annex to Agency document GC(V)/INF/39. In connection with the project to which this Agreement refers, Mexico shall apply the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency to Agency inspectors and to any property of the Agency used by them in carrying out their functions, it being understood that :

(a) The Agency 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; and

(b) Such inspectors (whether officials or experts) as are of Mexican nationality shall enjoy, in the exercise of their functions in Mexican territory, exclusively those prerogatives included in Section 18(a), sub-paragraphs (i), (iii), (v) and (vi), and in Section 23, paragraphs (a), (b), (c), (d) and (f) respectively, of that Agreement, and that the inviolability established in the aforesaid paragraph (c) of Section 23 shall be granted only for official papers and documents.

⁶ Came into force on 1 November 1963.

⁷ Came into force on 18 December 1963.