

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1964

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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CONTENTS (continued)

	<i>Page</i>
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. <i>Convention on the Privileges and Immunities of the United Nations. Approved by the General Assembly of the United Nations on 13 February 1946</i>	22
2. <i>Agreements relating to conferences, seminars and similar bodies</i>	
(a) Agreement between the United Nations and the Government of Yugoslavia concerning the arrangements for the 1965 World Population Conference. Signed at New York on 27 February 1964	22
(b) Agreement between the United Nations and the Government of the Philippines regarding the arrangements for the fourth United Nations Regional Cartographic Conference for Asia and the Far East. Signed at New York on 15 September 1964	24
(c) Agreement between the United Nations and the Government of Austria regarding the arrangements for the United Nations Technical Assistance Committee. Signed at Geneva on 11 June 1964	25
(d) Agreement between the United Nations and the Government of the Netherlands regarding the privileges and immunities to be applied to the Twelfth Session of the Governing Body of the Special Fund. Signed at Geneva on 27 May 1964	26
(e) Agreement between the United Nations and the Government of Afghanistan relating to a seminar on human rights in developing countries. Signed at New York on 28 April 1964	26
(f) Agreement between the United Nations and the Government of Togo relating to a seminar on the status of women in family law. Signed at Lomé on 3 July 1964	27
(g) Agreement between the United Nations and the Government of Italy relating to a seminar on freedom of information. Signed at New York on 18 March 1964	27
(h) Agreement between the United Nations and the Government of India concerning the Demographic Training and Research Centre, Chembur, Bombay. Signed at New Delhi on 20 and 25 November 1964	27
3. <i>Agreements relating to the United Nations Children's Fund: revised model Agreement concerning the activities of UNICEF</i>	28
(a) Agreements between UNICEF and the Governments of Burundi, Dahomey, Malaysia, Niger, Rwanda and Senegal concerning the activities of UNICEF in these countries. Signed respectively at Bujumbura on 8 January 1964, at Porto Novo on 18 July 1963 and at New York on 28 August 1963, at Bangkok on 4 June 1964 and at Kuala Lumpur on 1 July 1964, at Niamey on 5 December 1962 and at Abidjan on 21 December 1962, at Kigali on 22 June 1964 and at Kampala on 11 September 1964, and at Dakar on 22 January 1964	28

CONTENTS (continued)

	<i>Page</i>
(b) Agreement between UNICEF and the Government of Jamaica concerning the activities of UNICEF. Signed at Kingston on 19 May 1964	28
(c) Agreement between UNICEF and the Government of the Republic of China concerning the activities of UNICEF. Signed at Bangkok on 8 April 1964 and at Taipei on 12 May 1964	28
4. <i>Agreements relating to technical assistance: model revised Standard Agreement concerning technical assistance</i>	29
(a) Agreements between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA and UPU, and the Governments of Kenya, Libya, Malawi, Malta and Nigeria concerning technical assistance. Signed respectively at Nairobi on 11 November 1964, at Tripoli on 28 June 1964, at Zomba on 24 October 1964, at New York on 15 December 1964, and at Lagos on 23 June 1964	29
(b) Agreement between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA and UPU, and the Government of the Dominican Republic concerning technical assistance. Signed at Santo Domingo on 20 February 1964.	29
(c) Agreement between the United Nations, the ILO, UNESCO, ICAO, WHO, ITU, WMO, IAEA and UPU, and the Government of Costa Rica concerning technical assistance. Signed at San José on 27 August 1963	30
(d) Agreement between the United Nations, the ILO, FAO, UNESCO, WHO, ITU, WMO, IAEA and UPU, and the Government of Guatemala concerning technical assistance. Signed at Guatemala on 28 January 1964	30
(e) Exchange of letters constituting an agreement amending the Revised Standard Agreement of 28 January 1961 between the United Nations, the ILO, FAO, UNESCO, WHO, ITU, WMO and IAEA, and the Government of Somalia concerning technical assistance. New York, 25 May 1964 and Mogadiscio, 9 June 1964	30
(f) Exchanges of letters constituting agreements amending, respectively, the Revised Standard Agreements of 24 May 1957, 10 February 1956, 30 June-15 July 1957 and 14 June 1955 between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU and WMO, and the Governments of Ghana, Greece, Israel and Jordan concerning technical assistance. New York, 13 January 1964 and Accra, 18 February 1964 ; New York, 8 October 1963 and Athens, 2 December 1964 ; New York, 6 March 1964 and Jerusalem, 14 May 1964; New York, 9 July 1964 and Amman, 3 August 1964	30
5. <i>Agreements relating to the Special Fund: model Agreement concerning assistance from the Special Fund</i>	31
(a) Agreements between the United Nations Special Fund and the Governments of Iceland, Ireland, Kenya, Malawi, Malta, the Netherlands, Romania and Rwanda concerning assistance from the Special Fund. Signed respectively at New York on 10 July 1964, at New York on 3 June 1964, at New York on 1 October 1964, at Zomba on 24 October 1964, at New York on 15 December 1964, at New York on 24 May 1963, at Bucharest on 24 October 1964, and at New York on 18 March 1964	31

CONTENTS (continued)

	<i>Page</i>
(b) Agreement between the United Nations Special Fund and the Government of Australia concerning assistance from the Special Fund for a project of research on the control of the coconut rhinoceros beetle. Signed at New York on 30 September 1964	31
6. <i>Agreements for the provision of operational, executive and administrative personnel: model Agreement</i>	33
Agreements between the United Nations and the Governments of Algeria, Kenya, Morocco, Sierra Leone and Upper Volta for the provision of operational, executive and administrative personnel. Signed respectively at Algiers on 23 September 1964, at New York on 1 October 1964, at New York on 3 March 1964, at Freetown on 19 February 1964, and at New York on 26 February 1964	34
7. <i>Exchange of letters (with general directive) constituting an Agreement between the United Nations and the Government of Pakistan concerning the United Nations Security Force in West New Guinea (West Irian). New York, 6 December 1962 and 18 April 1963</i>	34
8. <i>Exchange of letters constituting an Agreement between the United Nations and the Government of Cyprus concerning the status of the United Nations Peace-Keeping Force in Cyprus. New York, 31 March 1964</i>	40
9. <i>Exchanges of letters constituting Agreements between the United Nations and the Governments of Cyprus, Greece, Turkey and the United Kingdom concerning the privileges, immunities, exemptions and facilities to be accorded to the United Nations Mediator and his staff. New York, 27 and 30 March 1964; New York, 27 and 30 March 1964; New York, 27 March 1964 and Ankara, 31 March 1964; New York, 27 March and 2 April 1964</i>	51
B. TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF INTER-GOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS	
1. <i>Convention on the Privileges and Immunities of the specialized agencies. Approved by the General Assembly of the United Nations on 21 November 1947</i>	52
2. <i>International Labour Organisation</i>	
(a) Agreement between the Government of Ethiopia and the ILO concerning the establishment of an office of the ILO in Addis Ababa. Signed at Addis Ababa on 10 December 1964.	53
(b) Agreement between the Government of Uruguay and the ILO concerning the establishment of an Inter-American Vocational Training Research and Documentation Centre. Signed at Montevideo on 16 December 1963	56

CONTENTS (continued)

	<i>Page</i>
3. <i>United Nations Educational, Scientific and Cultural Organization</i>	
(a) Agreement on co-operation between the African Institute of Economic Development and Planning and UNESCO. Signed at Paris on 7 February 1964 and at Dakar on 6 March 1964	56
(b) Agreement between the Government of the Ivory Coast and UNESCO concerning the Regional Conference on the Planning and Organization of Literacy Programmes in Africa and the Conference of Ministers of Education of African Countries. Signed at Paris on 17 January 1964	56
(c) Letter constituting an agreement between the Government of France and UNESCO concerning the organization of the International Conference on Youth (Grenoble, 23 August-1 September 1964). Signed at Paris on 7 and 29 February 1964	57
(d) Agreement between the Government of the Union of Soviet Socialist Republics and UNESCO concerning an inter-disciplinary meeting of experts on the biological aspects of racial issue (Moscow, 12-18 August 1964). Signed at Paris on 30 April and 8 June 1964	57
(e) Agreement between the Government of the United Arab Republic and UNESCO concerning the Regional Conference on the Planning and Organization of Literacy Programmes in the Arab States (Alexandria, 10-18 October 1964). Signed at Paris on 18 March 1964 and at Cairo on 1 June 1964	57
(f) Agreement between the Government of Nigeria and UNESCO concerning the Conference on Research and Training related to Natural Resources in Africa (28 July-6 August 1964). Signed at Paris on 15 April 1964 and at Lagos on 13 May 1964	58
(g) Agreement between the Government of Ghana and UNESCO concerning the Meeting of Directors of Educational Documentation Centres, Educational Research Institutes and Audio-Visual Services in Africa. Signed at Paris on 28 April 1964	58
(h) Agreement between the Government of the Union of Soviet Socialist Republics and UNESCO concerning the meeting of a joint group of experts on Photosynthetic Radiant Energy. Signed at Paris on 30 July 1964 and at Moscow on 7 August 1964	58
(i) Agreement between the Government of Japan and UNESCO concerning the Regional Training Course in Theoretical and Applied Electronics. Signed at Paris on 10 September 1964 and at Tokyo on 7 October 1964	59
4. <i>International Atomic Energy Agency</i>	
(a) Agreement on the Privileges and Immunities of the IAEA. Approved by the Board of Governors of the IAEA on 1 July 1959	59
(b) Agreement between the IAEA and the Government of Italy concerning the establishment of an international centre for theoretical physics at Trieste. Rome, 11 October 1963	59

CONTENTS (continued)

	<i>Page</i>
(c) Nordic mutual emergency assistance agreement in connection with radiation accidents concluded between the IAEA and the Governments of Denmark, Finland, Norway and Sweden. Signed at Vienna on 17 October 1963	61
(d) Agreement between the IAEA and the Government of Argentina for assistance by the IAEA to Argentina in establishing a research and isotope production reactor project. Signed at Vienna on 2 December 1964	62

Part Two. Legal activities of the United Nations and related inter-governmental organizations

CHAPTER III. SELECTED DECISIONS, RECOMMENDATIONS AND REPORTS OF A LEGAL CHARACTER BY THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. DECISIONS, RECOMMENDATIONS AND REPORTS OF A LEGAL CHARACTER BY THE UNITED NATIONS

1. *General Assembly (nineteenth session)—Consideration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations*
Report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States 65
2. *Aide-Mémoire concerning some questions relating to the function and operation of the United Nations Peace-Keeping Force in Cyprus* 174
3. *Regulations for the United Nations Force in Cyprus* 177

B. DECISIONS, RECOMMENDATIONS AND REPORTS OF A LEGAL CHARACTER BY INTER-GOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS

1. *Universal Postal Union*
Decisions of a legal character adopted by the XVth Universal Postal Congress (Vienna, 1964)
 - (a) Resolution C 16—Juridical guarantees for officials of the International Bureau 184
 - (b) Resolution C 22—Immediate application of provisions adopted by the Vienna Congress relating to the Executive Council (EC) and to the Management Council of the Consultative Committee for Postal Studies (CCPS) 184
2. *International Atomic Energy Agency*
Standing Committee on Civil Liability for Nuclear Damage
 - (a) Territorial scope of the Vienna Convention on Civil Liability for Nuclear Damage : Note by the Secretariat 185
 - (b) Nuclear installations operated by an international organization—Provisional note by the Secretariat 190

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 APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 FEBRUARY 1946

The following States acceded to the Convention on the Privileges and Immunities of the United Nations in 1964:²

<i>State</i>	<i>Date of receipt of instrument of accession</i>
Congo (Democratic Republic of)	8 December 1964
Gabon.	13 March 1964
Rwanda	15 April 1964

This brought up to 89 the number of States Parties to the Convention.

2. AGREEMENTS RELATING TO CONFERENCES, SEMINARS AND SIMILAR BODIES

(a) Agreement between the United Nations and the Government of Yugoslavia concerning the arrangements for the 1965 World Population Conference.³ Signed at New York on 27 February 1964

Article VII

Claims for damage and injury

1. The Government shall be responsible for dealing with any actions, causes of action, claims or other demands which may be brought against the Organization for damage to the Conference facilities mentioned in Article II [on premises, equipment, utilities and supplies],

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

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

³ Came into force on 27 February 1964.

for damage or injury to persons or property caused to third persons by the vehicles [to be provided by the Government for use by the officers and staff of the Conference] referred to in Article III or to the chauffeurs of such vehicles, or arising out of the employment of the [local] personnel referred to in Article V, and shall hold the United Nations and its officials harmless in respect of any such actions, causes of action, claims or other demands.

Article VIII

Privileges and immunities

1. The Conventions on the Privileges and Immunities of the United Nations and of the specialized agencies, to which the Government of Yugoslavia is a party, shall be applicable in respect of the Conference. Conference premises for the purpose of such application shall be deemed to constitute premise of the United Nations, and access thereto shall be under the control and authority of the United Nations.

2. Officials of the United Nations performing functions in connexion with the Conference shall enjoy the privileges and immunities provided by Articles V and VII of the Convention. Officials of any specialized agencies performing functions in connexion with the Conference or representing their agencies shall enjoy the privileges and immunities provided in the Convention on the Privileges and Immunities of the Specialized Agencies. It is understood, however, that local personnel provided by the Government under Article 5 of this Agreement shall enjoy only an immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity in connexion with the Conference.

3. Participants invited to attend the Conference shall enjoy the privileges and immunities provided in Article VI of the Convention on the Privileges and Immunities of the United Nations and observers of States Members of the United Nations or of the specialized agencies shall enjoy the privileges and immunities provided in Article IV thereof.

4. Persons referred to in paragraph 5 (d), (e) and (f) of this Article shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Conference.

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

- (a) Individual experts duly nominated and invited in accordance with the terms laid down by the Economic and Social Council, and their immediate families;
- (b) Observers mentioned in paragraph 3 above and their immediate families;
- (c) Officials of the United Nations and of the specialized agencies mentioned in paragraph 2 above, and their immediate families;
- (d) Observers of interested non-governmental organizations in consultative status with the Economic and Social Council;
- (e) Representatives of information media accredited by the United Nations in accordance with its established procedures and after consultation with the Government; and
- (f) Other persons formally invited to the Conference by the United Nations on official business.

Article IX

Import duties and tax

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

(b) Agreement between the United Nations and the Government of the Philippines regarding the arrangements for the fourth United Nations Regional Cartographic Conference for Asia and the Far East.¹ Signed at New York on 15 September 1964

IV. *Transportation*

...

2. The Government agrees to indemnify and hold harmless the United Nations and its personnel from any and all actions, causes of actions, claims or other demands arising out of any damage to person or property caused or suffered in using transportation [to be provided by the Government for use by the officers, staff and participants of the Conference] referred to in this Article.

VI. *Local personnel*

...

3. The Government agrees to indemnify and hold harmless the United Nations and its personnel from any and all actions, causes of actions, claims or other demands arising out of the employment for the Conference of the [local] personnel referred to in this Article.

VII. *Privileges and immunities*

1. The Conventions on the Privileges and Immunities of the United Nations and on the Privileges and Immunities of the Specialized Agencies, to which the Government of the Philippines is party, shall be applicable in respect of the Conference.

For the purpose of such application, the premises designated under Article II, section 1, shall be deemed to constitute the United Nations premises, and access thereto shall be under the control and authority of the United Nations.

2. Officials of the United Nations performing functions in connection with the Conference shall enjoy the privileges and immunities provided by Articles V and VII of the Convention on Privileges and Immunities of the United Nations.

Officials of the specialized agencies performing functions in connection with the Conference shall enjoy the privileges and immunities provided in Articles V and VII of the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Representatives of States Members of the United Nations and representatives of States non-Members of the United Nations who are participants in the Conference shall enjoy the privileges and immunities provided under Article IV of the Convention on the Privileges and Immunities of the United Nations and Article V of the Convention on the Privileges and Immunities of the Specialized Agencies respectively.

4. Without prejudice to the provisions of the Conventions referred to above, all participants and all persons performing functions in connection with the Conference shall be

¹ Came into force on 15 September 1964.

accorded such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Conference.

5. All participants and all persons performing functions in connection with the Conference shall have the right to entry into and exit from the Philippines and shall be granted facilities for speedy travel. Visas, if required, shall be granted promptly and free of charge.

(c) Agreement between the United Nations and the Government of Austria regarding the arrangements for the United Nations Technical Assistance Committee.¹
Signed at Geneva on 11 June 1964

II. *Transportation*

The Government shall provide at its expense one permanent and up to three non-permanent chauffeur-driven limousines for use by the officers of the Conference. Any damage to persons or property caused or suffered in using transportation referred to in this section shall be made good at the expense of the Government, without prejudice to the Government's right of recourse as long as such right is not contrary to the present Agreement.

III. *Local personnel for the Conference*

...

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

V. *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, and the officials of the United Nations connected with the Conference shall be accorded the privileges and immunities specified therein.

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

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

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

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

¹ Came into force on 11 June 1964.

(d) Agreement between the United Nations and the Government of the Netherlands regarding the privileges and immunities to be applied to the Twelfth Session of the Governing Body of the Special Fund.¹ Signed at Geneva on 27 May 1964

Article 1

The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations and the Convention of 21 November 1947 on the Privileges and the Immunities of the Specialized Agencies shall be applicable in respect of the Session.

Article 2

The rooms, offices and related localities and facilities, put at the disposal of the Session by the Netherlands Government in the Kurhaus Building, shall be the Meeting Area, which shall constitute United Nations premises within the meaning of Article II, Section 3, of the Convention of 13 February 1946.

Article 3

Observers of States Members of the United Nations Organization or of a Specialized Agency attending the Session shall enjoy the privileges and immunities accorded to Representatives of States Members by the Conventions of 13 February 1946 and of 21 November 1947 respectively.

Article 4

The Netherlands Government shall impose no impediment to transit to and from the Session of persons whose presence at the Session is authorised by the United Nations Organization and shall grant any visa required for such persons promptly and without charge.

Article 5

No exemption in the Meeting Area of taxes or duties as to foodstuffs, drinks, tobacco and comparable supplies shall be claimed by the United Nations Organization.

Article 6

Local personnel provided by the Netherlands Government shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them within the Meeting Area in their official capacity in connection with the Meeting.

(e) Agreement between the United Nations and the Government of Afghanistan relating to a seminar on human rights in developing countries.² Signed at New York on 28 April 1964

Article V

Facilities, privileges and immunities

1. The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the seminar. Accordingly, officials of the United Nations per-

¹ Came into force on 27 May 1964.

² Came into force on 28 April 1964.

forming functions in connexion with the seminar shall enjoy the privileges and immunities provided under Articles V and VII of the said Convention.

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

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

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

(f) Agreement between the United Nations and the Government of Togo relating to a seminar on the status of women in family law.¹ Signed at Lomé on 3 July 1964

Article V

Facilities, privileges and immunities

[Similar to article V in (e) above]

(g) Agreement between the United Nations and the Government of Italy relating to a seminar on freedom of information.² Signed at New York on 18 March 1964

Article VI

Facilities, privileges and immunities

[Similar to article V in (e) above]

(h) Agreement between the United Nations and the Government of India concerning the Demographic Training and Research Centre, Chembur, Bombay.³ Signed at New Delhi on 20 and 25 November 1964

Article IV

Obligations on the part of the Government

...

7. 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.

¹ Came into force on 3 July 1964.

² Came into force on 18 March 1964.

³ Came into force on 25 November 1964 by signature, with retroactive effect as from 1 July 1964.

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

Article VI

Claims against UNICEF

[See *Juridical Yearbook*, 1963, p. 26]

Article VII

Privileges and immunities

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

- (a) Agreements between UNICEF and the Governments of Burundi, Dahomey, Malaysia, Niger, Rwanda and Senegal concerning the activities of UNICEF in these countries.² Signed respectively at Bujumbura on 8 January 1964, at Porto Novo on 18 July 1963 and at New York on 28 August 1963, at Bangkok on 4 June 1964 and at Kuala Lumpur on 1 July 1964, at Niamey on 5 December 1962 and at Abidjan on 21 December 1962, at Kigali on 22 June 1964 and at Kampala on 11 September 1964, and at Dakar on 22 January 1964

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

- (b) Agreement between UNICEF and the Government of Jamaica concerning the activities of UNICEF.³ Signed at Kingston on 19 May 1964

This agreement contains articles similar to articles VI and VII of the revised model agreement, except that article VI (2) is worded as follows:

2. The Government shall deal with any claims which may be brought by third parties against UNICEF, its experts, agents or employees. It shall hold UNICEF, its experts, agents or employees harmless in case of claims resulting from operations under this Agreement, except where it is agreed by the Government and UNICEF that such claims arise from the gross negligence or wilful misconduct of the above-mentioned experts, agents or employees.

- (c) Agreement between UNICEF and the Government of the Republic of China concerning the activities of UNICEF.⁴ Signed at Bangkok on 8 April 1964 and at Taipei on 12 May 1964

This agreement contains articles similar to articles VI and VII of the revised model agreement, except that article VI (1) is worded as follows:

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

² Came into force, respectively, on 8 January 1964, 6 December 1963, 1 July 1964, 22 May 1964, 11 September 1964 and 22 January 1964.

³ Came into force on 19 May 1964.

⁴ Came into force on 12 May 1964.

1. The Government shall deal with any claims which may be brought by third parties against UNICEF, its experts, agents or employees. It shall hold UNICEF, its experts, agents or employees harmless in case of claims resulting from operations under this Agreement, except when it is agreed by the Government and UNICEF that such claims arise from the gross negligence or wilful misconduct of the above-mentioned experts, agents or employees. The term "claims", as it applies to the experts, agents or employees of UNICEF, shall in no case be construed as including any claims not directly connected with the performance by such experts, agents or employees of their official duties in the course of the execution of Plans of Operations concluded pursuant to this Agreement.

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

Article I

Furnishing of technical assistance

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

Article V

Facilities, privileges and immunities

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

- (a) Agreements between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA and UPU, and the Governments of Kenya, Libya, Malawi, Malta and Nigeria concerning technical assistance.² Signed respectively at Nairobi on 11 November 1964, at Tripoli on 28 June 1964, at Zomba on 24 October 1964, at New York on 15 December 1964, and at Lagos on 23 June 1964

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

- (b) Agreement between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA and UPU, and the Government of the Dominican Republic concerning technical assistance.³ Signed at Santo Domingo on 20 February 1964

This agreement contains articles similar to articles I (6) and V of the model revised standard agreement, except that the second sentence of article V (2) is worded as follows:

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:

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

² Came into force on the respective dates of signature.

³ Came into force on the date 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.

- (c) Agreement between the United Nations, the ILO, UNESCO, ICAO, WHO, ITU, WMO, IAEA and UPU, and the Government of Costa Rica concerning technical assistance.¹ Signed at San José on 27 August 1963

The relevant provisions of this agreement are similar to those of the agreement mentioned in (b) above.

- (d) Agreement between the United Nations, the ILO, FAO, UNESCO, WHO, ITU, WMO, IAEA and UPU, and the Government of Guatemala concerning technical assistance.² Signed at Guatemala on 28 January 1964

The relevant provisions of this agreement are similar to those of the agreement mentioned in (b) above.

- (e) Exchange of letters constituting an agreement³ amending the Revised Standard Agreement of 28 January 1961 between the United Nations, the ILO, FAO, UNESCO, WHO, ITU, WMO and IAEA, and the Government of Somalia concerning technical assistance. New York, 25 May 1964 and Mogadiscio, 9 June 1964

By this exchange of letters, UPU has been added to the list of participating organizations and the provisions of article I (6) have been replaced by those of the model revised standard agreement.

- (f) Exchanges of letters constituting agreements⁴ amending, respectively, the Revised Standard Agreements of 24 May 1957, 10 February 1956, 30 June-15 July 1957 and 14 June 1955 between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU and WMO, and the Governments of Ghana, Greece, Israel and Jordan concerning technical assistance. New York, 13 January 1964 and Accra, 18 February 1964; New York, 8 October 1963 and Athens, 2 December 1964;

¹ Came into force on 8 October 1964.

² Came into force on 10 July 1964.

³ Came into force on 9 June 1964.

⁴ Came into force, respectively, on 18 February 1964, 2 December 1964, 14 May 1964 and 3 August 1964.

New York, 6 March 1964 and Jerusalem, 14 May 1964; New York, 9 July 1964 and Amman, 3 August 1964

By the exchanges of letters listed above, IAEA and UPU have been added to the list of participating organizations, the provisions of article I (6) have been replaced by those of the model revised standard agreement, and the following clause has been added:

... The Government, insofar as it is not already bound to do so, shall apply to the International Atomic Energy Agency, its property, funds and assets, and to its officials, including technical assistance experts, provisions of the Agreement on Privileges and Immunities of the International Atomic Energy Agency.

5. AGREEMENTS RELATING TO THE SPECIAL FUND:
MODEL AGREEMENT CONCERNING ASSISTANCE FROM THE SPECIAL FUND ¹

Article VIII

Facilities, privileges and immunities

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

Article X

General provisions

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

- (a) Agreements between the United Nations Special Fund and the Governments of Iceland,² Ireland,² Kenya,² Malawi,² Malta,² the Netherlands,³ Romania² and Rwanda² concerning assistance from the Special Fund. Signed respectively at New York on 10 July 1964, at New York on 3 June 1964, at New York on 1 October 1964, at Zomba on 24 October 1964, at New York on 15 December 1964, at New York on 24 May 1963, at Bucharest on 24 October 1964, and at New York on 18 March 1964

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

- (b) Agreement between the United Nations Special Fund and the Government of Australia concerning assistance from the Special Fund for a project of research on the control of the coconut rhinoceros beetle.⁴ Signed at New York on 30 September 1964

¹ Technical Assistance Board/Special Fund, *Field Manual*, Edition II (1 September 1965), section IX-C, p. 20.

² Came into force on the respective dates of signature.

³ Came into force on 27 February 1964.

⁴ Came into force on 30 September 1964.

Article X (4) of this agreement is similar to that of the model agreement, and its article VIII reads as follows:

Article VIII

Co-operation of the Government

1. The Government shall take any measures which may be necessary to remove any obstacles which may interfere with operations under this Agreement, and it shall in particular grant to the Special Fund and the Executing Agency and their officials and any other persons performing services on their behalf rights to the following:

- (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 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 the Executing Agency, or other persons performing services on their behalf, and for the subsequent exportation of such property.

2. 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, 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 and the above-mentioned persons harmless in case of any claims or liabilities resulting from operations under this Agreement, except where such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.

This agreement is accompanied by the following exchange of letters:

I

Australian Mission
to the United Nations
30 September 1964

Sir,

I have the honour to refer to the Agreement signed today between the Government of Australia and the United Nations Special Fund concerning assistance from the Special Fund for a project of research on the control of the coconut rhinoceros beetle.

I am instructed by my Government to convey to you the observation that in regard to sub-paragraphs (e) and (f) of paragraph 1 of Article VIII of the Agreement, the Australian Government understands that these sub-paragraphs will not oblige it to permit the importation of articles whose importation is prohibited or restricted by Australian laws and regulations which concern public health, security or morality, or which are designed to prevent the introduction into Australia of plant or animal diseases.

This understanding does not affect such obligations as may have been assumed by the Australian Government under the Conventions on the Privileges and Immunities of the United Nations and the Specialized Agencies.

If the foregoing observation meets 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 Australia and of the Special Fund on this matter.

Accept, Sir, the assurance of my high consideration.

D. O. HAY
Permanent Representative
of Australia

Mr. Paul G. Hoffman
Managing Director
United Nations Special Fund
United Nations Headquarters
New York

II

SF 332 AUL

30 September 1964

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 that your letter, together with my reply, shall be regarded as placing on record the position of the Government of Australia and the Special Fund on this matter.

Accept, Sir, the assurances of my highest consideration.

Paul G. HOFFMAN
Managing Director

H. E. Mr. D. O. Hay, C.B.E., D.S.O.
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Australia to the United Nations
750 Third Avenue, 22nd floor
New York 10017, New York

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

Article II

Functions of the Officers

[See *Juridical Yearbook*, 1963, p. 36]

Article IV

Obligations of the Government

[See *Juridical Yearbook*, 1963, p. 37]

Agreements between the United Nations and the Governments of Algeria, Kenya, Morocco, Sierra Leone and Upper Volta for the provision of operational, executive and administrative personnel.¹ Signed respectively at Algiers on 23 September 1964, at New York on 1 October 1964, at New York on 3 March 1964, at Freetown on 19 February 1964, and at New York on 26 February 1964

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

7. EXCHANGE OF LETTERS (WITH GENERAL DIRECTIVE) CONSTITUTING AN AGREEMENT² BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF PAKISTAN CONCERNING THE UNITED NATIONS SECURITY FORCE IN WEST NEW GUINEA (WEST IRIAN). NEW YORK, 6 DECEMBER 1962 AND 18 APRIL 1963

1³

PO 240 (WENGU) 1

6 December 1962

Sir,

I have the honour to refer to Article VII of the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian)

¹ Came into force on the respective dates of signature.

² Came into force on 18 April 1963.

³ Identical letters were addressed by the Secretary-General to the Governments of Canada and the United States. A letter on the same subject, reading as follows, was addressed by the Secretary-General to the Permanent Representative of Indonesia to the United Nations:

Sir,

I have the honour to refer to Article VII of the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian) which states, *inter alia*, that Indonesian armed forces in West New Guinea (West Irian) are under the authority and at the disposal of the Secretary-General for the purpose of supplementing other forces specified in that Article which are engaged in maintaining law and order in the territory. I also have the honour to refer to General Assembly resolution 1752 (XVII) of 21 September 1962, which authorizes the Secretary-General to carry out the tasks entrusted to him in the foregoing Agreement.

Pursuant to the authority vested in me by the instruments referred to in the previous paragraph, I have issued a General Directive concerning the various armed forces presently stationed in West New Guinea (West Irian) which is to be distributed to those forces. The forces will serve under this Directive. As Indonesian armed forces are stationed in the territory, I have the honour to transmit herewith a copy of the Directive [see p. 36 of this *Yearbook*].

I should like to draw your attention to section 5 (b) of the Directive, which provides, *inter alia*, that responsibility for disciplinary action in specific contingents rests with the commanders of those contingents. I should also like to draw your attention to section 7 (e) and (f) pursuant to which members, *inter alia*, of the Indonesian armed forces, are granted immunity for official acts performed in the course of their duties. Section 7 (e) continues:

"In all other respects they shall be subject to the exclusive criminal jurisdiction of their national authorities. They shall be subject to local civil jurisdiction for acts performed outside the course of their duties. They shall also be subject to the rules and regulations of the contingents of which they form a part..."

In view of the considerations set out in the previous paragraph, I should appreciate your assurance that the commander of the Indonesian armed forces, and the officers commanding the contingents making up those forces, will be in a position to exercise the necessary disciplinary authority.

(A/5170) which states, *inter alia*, that the Secretary-General will provide the United Nations Temporary Executive Authority (UNTEA) in West New Guinea (West Irian) with such security forces as the United Nations Administrator in that territory deems necessary, to supplement existing Papuan (West Irianese) police, in the task of maintaining law and order during the period of administration of the territory by the UNTEA. I also have the honour to refer to General Assembly resolution 1752 (XVII) of 21 September 1962, which authorizes the Secretary-General to carry out the tasks entrusted to him in the foregoing Agreement.

As your Government has been kind enough to make available, at my request, a contingent of its armed forces to enable me to constitute the United Nations Security Force in West New Guinea (West Irian) by virtue of the authority vested in me by the foregoing Agreement and resolution, I have the honour to transmit herewith a copy of a General Directive concerning the United Nations Security Force in West New Guinea (West Irian) which I have issued, and which is to be distributed to contingents of the Security Force. These contingents will serve under this Directive.

The Directive affirms, in sections 3 (a) and 4 (b), that the national contingents provided by Governments comprise part of a United Nations Security Force, under the command authority at all times of the United Nations Commander designated by the Secretary-General. In the exercise of his authority the United Nations Commander is under the immediate direction of the United Nations Administrator, who in turn acts under the general direction of the Secretary-General. Section 5 (a) of the Directive provides that the United Nations Commander shall designate the chain of command within national contingents, making use of the officers of those contingents.

I should like to draw your attention to section 5 (b) of the Directive, which provides as follows:

“The United Nations Commander has general responsibility for the good order of the contingents under his overall command. He may make investigations, conduct inquiries and require information, reports and consultations for the purpose of discharging his responsibility. Responsibility for disciplinary action in the contingents concerned rests with the commanders of those contingents. Reports concerning disciplinary action and incidents involving third parties shall be communicated to the United Nations Commander who may consult with the commander of the contingent concerned.”

The Directive, in section 7, lays down the rights and duties of the Security Force and provides its individual members with the privileges and immunities necessary for the exercise of their functions within West New Guinea (West Irian). Sub-paragraph (e) of section 7, in particular, provides that:

“All members of the United Nations Security Force shall be granted immunity for official acts performed in the course of their duties. In all other respects they shall be subject to the exclusive criminal jurisdiction of their national authorities. They shall be subject to local civil jurisdiction for acts performed outside the course of their duties. They shall also be subject to the rules and regulations of the contingents of which they form a part without derogating from their responsibilities as part of the United Nations Security Force.”

I should also appreciate your assurance that, if it should become necessary, your Government will be prepared to exercise jurisdiction with respect to any crime or offense which might be committed by a member of the Indonesian armed forces. Such assurances will assist me greatly in ensuring the proper discharge of my responsibilities under Article VII of the Agreement referred to at the outset of this letter.

Accept, etc.

In view of the considerations set out in the two immediately preceding paragraphs, I should appreciate your assurance that the commander of the national contingent provided by your Government will be in a position to exercise the necessary disciplinary authority. I should also appreciate your assurance that, if it should become necessary, your Government will be prepared to exercise jurisdiction with respect to any crime or offence which might be committed by a member of such national contingent. Such assurance will assist me greatly in ensuring the proper discharge of my responsibilities in connexion with the Security Force.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General

His Excellency Muhammad Zafrulla Khan
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Pakistan to the United Nations
Pakistan House
8 East 65th Street
New York 21, New York

General Directive concerning the United Nations Security Force in West New Guinea (West Irian)

1. ESTABLISHMENT OF THE UNITED NATIONS SECURITY FORCE

By virtue of the authority vested in the Secretary-General by Article VII of the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian) (hereinafter referred to as "the Agreement") and by virtue of General Assembly resolution 1752 (XVII) of 21 September 1962 authorizing the Secretary-General to carry out the tasks entrusted to him in that Agreement, there is hereby established a United Nations Security Force in West New Guinea (West Irian). The United Nations Security Force will come into existence, and will assume its functions, on 1 October 1962 upon the transfer of authority over West New Guinea (West Irian) by the Kingdom of the Netherlands to the United Nations Temporary Executive Authority (hereinafter referred to as the "UNTEA").

2. TASK OF THE UNITED NATIONS SECURITY FORCE

The United Nations Security Force will primarily supplement the existing police force in maintaining law and order in West New Guinea (West Irian).

3. COMPOSITION OF THE UNITED NATIONS SECURITY FORCE

(a) The United Nations Security Force consists of the following contingents made available by the Secretary-General:

- (i) Force Headquarters
- (ii) The Pakistan Contingent
- (iii) Detachment of the USAF
- (iv) Detachment of the RCAF

(b) The United Nations Security Force may be supplemented by the Administrator, in the circumstances specified in section 4 (d) and (e) below, by the following contingents:

- (i) The Papuan (West Irianese) Volunteer Corps
- (ii) The Indonesian Armed Forces present in the territory in accordance with the cease-fire arrangements concluded between the Republic of Indonesia and the Kingdom of the Netherlands.

When the contingents specified in the present sub-section are made available by the Administrator to supplement the United Nations Security Force, they shall be considered an integral part of that Force.

4. CHAIN OF COMMAND

(a) The overall responsibility for the maintenance of law and order throughout the territory rests with the Administrator, and, by his delegation, with the Divisional Commissioners within their respective divisions. The machinery available to the Administrator and the Divisional Commissioners for the maintenance of law and order consists of the Papuan (West Irianese) Police Force, and, for the purpose of supplementing the latter when this is found necessary, the United Nations Security Force.

(b) The United Nations Commander, designated by the Secretary-General, exercises overall command authority at all times over the contingents specified in section 3 (a). In the circumstances specified in sub-sections (d) and (e) of the present section, he exercises overall command authority over the contingents specified in section 3 (b). In the circumstances specified in section 6 (c) below, he also exercises overall command authority over the Papuan (West Irianese) Police Force. In the exercise of his authority, the United Nations Commander is under the immediate direction of the Administrator, who in turn acts under the general direction of the Secretary-General.

(c) The Chief of Police is operationally responsible to the Administrator, through the Director of the Department of Internal Affairs, for the proper discharge by the Papuan (West Irianese) Police Force of their functions in accordance with such rules, regulations and directives as are consistent with the Agreement and are currently in force, save insofar as they may be amended or abrogated by the Administrator.

(d) The Papuan (West Irianese) Volunteer Corps is under the authority and at the disposal of the Administrator at all times. He shall designate the respective spheres of competence over the Corps of the United Nations Commander and of the commanding officer of the Corps. The Administrator may place the Corps, or certain of the elements comprising it, under the overall command authority of the United Nations Commander when, in the opinion of the Administrator, the active deployment of the Corps, or certain elements comprising it, is rendered necessary in the interests of the maintenance of law and order.

(e) The Indonesian Forces referred to in section 3 (b) (ii) above are under the authority and at the disposal of the Administrator at all times. He shall designate the respective spheres of competence over these Forces of the United Nations Commander and of the commanding officer of the Indonesian Forces. The Administrator may place the Indonesian Forces, or certain of the elements comprising them, under the overall command authority of the United Nations Commander when, in the opinion of the Administrator, the active deployment of these Forces, or certain elements comprising them, is rendered necessary in the interests of the maintenance of law and order.

(f) Pending their repatriation, Netherlands Armed Forces in West New Guinea (West Irian) are under the authority of the Administrator.

5. DUTIES OF THE UNITED NATIONS COMMANDER AND OF THE DIVISIONAL OR LOCAL MILITARY COMMANDERS

(a) The United Nations Commander is responsible to the Administrator for the proper performance of all functions assigned to the contingents under his overall command. He shall designate the chain of command within those contingents, making use of the officers thereof. The United Nations Commander has full authority, after consultation with the

Administrator, with respect to the deployment and assignment of all contingents placed under his overall command.

(b) The United Nations Commander has general responsibility for the good order of the contingents under his overall command. He may make investigations, conduct inquiries and require information, reports and consultations for the purpose of discharging his responsibility. Responsibility for disciplinary action in the contingents concerned rests with the commanders of those contingents. Reports concerning disciplinary action and incidents involving third parties shall be communicated to the United Nations Commander who may consult with the commander of the contingent concerned.

(c) The United Nations Commander shall provide for military police for any camps, establishments or other premises occupied by the contingents under his overall command, for such areas where those contingents are deployed in the performance of their functions and such other areas as he deems necessary. The military police shall have the power of arrest over members of the contingents under the overall command of the United Nations Commander.

(d) The United Nations Commander is responsible for providing assistance in maintaining law and order in accordance with the procedures specified in section 6 below.

(e) In consultation with the Administrator, the United Nations Commander has general responsibility for all matters concerning the operation and maintenance of the contingents under his overall command. In this respect the Administrator with his civilian administrative staff and the United Nations Commander shall, in accordance with procedures prescribed by the Administrator, make arrangements for supplies and food; welfare; equipment; transportation; billeting; communications; maintenance services; medical, dental and sanitary services; accounting and such other matters as the Administrator may prescribe.

(f) The Administrator shall designate the extent to which the duties specified in the present section shall be discharged by the United Nations Commander, or by the commanding officers of the contingents referred to in section 3 (b) above, in relation to those contingents.

6. INTERVENTION BY THE UNITED NATIONS SECURITY FORCE

(a) Whenever the Administrator, a Divisional Commissioner or an authorized representative of the latter in a given locality, determines in his full discretion that the considerations of public order require the active employment of elements of the United Nations Security Force to maintain or restore law and order, he shall request such assistance in writing from the local group commander of the Security Force, giving the reasons therefor and the object to be achieved.

(b) Such requests shall be authorized in advance by the Administrator except only when circumstances or the time element involved preclude such prior authorization, in which case a report on the request made and action taken shall be transmitted as rapidly as possible by or through the Divisional Commissioner to the Administrator.

(c) Whenever a request for action by elements of the United Nations Security Force has been transmitted in accordance with the procedure set out in the preceding paragraphs of the present section, the local police shall thereupon come under the operational command of the local group commander of the Security Force until such time as the task entrusted to the Security Force shall have been completed.

(d) The Divisional Commissioner or his authorized local representative shall keep the local group commander of the Security Force constantly informed of developments pertaining to law and order in the area. Throughout the duration of any intervention by the Security Force under the provisions set out above, the local group commander of the Security Force

shall remain in constant touch with the Divisional Commissioner or his authorized local representative.

(e) In the circumstances specified in section 4 (d) and (e) above, the contingents specified in section 3 (b) above shall be considered an integral part of the United Nations Security Force for the purposes of the present section.

7. RIGHTS AND DUTIES OF THE UNITED NATIONS SECURITY FORCE

(a) All members of the United Nations Security Force, irrespective of the contingent in which they serve, are under the authority of the Administrator and subject to his instructions through the chain of command as set out in section 4 above. The members of the Force shall discharge their functions and regulate their conduct with the interest of the UNTEA only in view. In the performance of their duties the members of the Force shall receive their instructions only from the chain of command as designated in section 4 above.

(b) All contingents making up the Force shall fly the United Nations flag in accordance with the United Nations Flag Code and Regulations, together with such other flag or flags as the Administrator may designate after consultation with the United Nations Commander.

(c) All members of the United Nations Security Force shall wear their own uniform and such distinctive UNTEA insignia as the Administrator shall prescribe.

(d) All members of the United Nations Security Force shall respect the laws and regulations in force in the territory and shall refrain from any activity of a political character or activity otherwise incompatible with their status. They shall conduct themselves at all times in a manner befitting their status.

(e) All members of the United Nations Security Force shall be granted immunity for official acts performed in the course of their duties. In all other respects they shall be subject to the exclusive criminal jurisdiction of their national authorities. They shall be subject to local civil jurisdiction for acts performed outside the course of their duties. They shall also be subject to the rules and regulations of the contingents of which they form a part without derogating from their responsibilities as part of the United Nations Security Force.

(f) The provisions of the present section shall also apply at all times to the contingents specified in section 3 (b) above.

8. GENERAL PROVISIONS

The Administrator may at any time issue detailed instructions implementing this general directive. He may amend the directive with the consent of the Secretary-General. This directive may be supplemented or replaced by general regulations issued by the Administrator with the consent of the Secretary-General.

U. THANT
Secretary-General

II

Pakistan Mission to the United Nations
Pakistan House
8 East 65th Street
New York 21, N. Y.

No. 267-S/63

April 18, 1963

Sir,

I have the honour to refer to last paragraph of your letter No. PO 240 (WENGU) 1 dated 6 December 1962 and to say that the Government of Pakistan have directed me to

convey to you the assurance that the Commander of the Pakistan Contingent in West Irian will be in a position to exercise the necessary disciplinary authority, and should it become necessary, the Pakistan Government will be prepared to exercise jurisdiction with respect to any crime or offence which might be committed by a member of the Pakistan Contingent.

Accept, Sir, the assurance of my highest consideration.

ZAFRULLA KHAN
Permanent Representative of Pakistan
to the United Nations

His Excellency U Thant
Secretary-General of the United Nations
New York

8. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF CYPRUS CONCERNING THE STATUS OF THE UNITED NATIONS PEACE-KEEPING FORCE IN CYPRUS.¹ NEW YORK, 31 MARCH 1964

I

31 March 1964

Sir,

I have the honour to refer to the resolution adopted by the Security Council of the United Nations on 4 March 1964 (S/5575). In paragraph 4 of that resolution the Security Council recommended the creation, with the consent of the Government of the Republic of Cyprus, of a United Nations peace-keeping force in Cyprus. By letter of 4 March 1964, the Minister for Foreign Affairs of Cyprus informed the Secretary-General of the consent of the Government of the Republic of Cyprus to the creation of the Force. The Force was established on 27 March 1964. I have also the honour to refer to Article 105 of the Charter of the United Nations which provides that the Organization shall enjoy in the territory of its Members such privileges and immunities as are necessary for the fulfilment of its purposes, and to the Convention on the Privileges and Immunities of the United Nations to which Cyprus is a party. Having in view the provisions of the Convention on the Privileges and Immunities of the United Nations, I wish to propose that the United Nations and Cyprus should make the following *ad hoc* arrangements defining certain of the conditions necessary for the effective discharge of the functions of the United Nations Force while it remains in Cyprus. These arrangements are set out below under the following headings:

	<i>Paragraphs</i>
Definitions	1-4
International status of the Force and its members	5-6
Entry and exit: identification	7-9
Jurisdiction	10
Criminal jurisdiction	11
Civil jurisdiction	12

¹ Came into force provisionally on 31 March 1964 by the exchange of the said letters, and was deemed to have taken effect as from 14 March 1964, the date of the arrival of the first element of the Force in Cyprus, in accordance with the provisions of paragraph 45.

	<i>Paragraphs</i>
Notification: certification	13
Military police: arrest: transfer of custody and mutual assistance	14-18
Premises of the Force	19
United Nations flag	20
Uniform: vehicle, vessel and aircraft markings and registration: operating permits	21
Arms	22
Privileges and immunities of the Force	23
Privileges and immunities of officials and members of the Force	24-25
Members of the Force: taxation, customs and fiscal regulations	26-28
Communications and postal services	29-31
Freedom of movement	32
Use of roads, waterways, port facilities, and airfields	33
Water, electricity and other public utilities	34
Cypriot currency	35
Provisions, supplies and services	36
Locally recruited personnel	37
Settlement of disputes or claims	38-40
Liaison	41
Deceased members: disposition of personal property	42
Supplemental arrangements	43
Contacts in the performance of the function of the Force	44
Effective date and duration	45

DEFINITIONS

1. The "United Nations Force in Cyprus" (hereinafter referred to as "the Force") consists of the United Nations Commander appointed by the Secretary-General in accordance with the Security Council resolution of 4 March 1964 (S/5575) and all military personnel placed under his command. For the purpose of these arrangements, the term "member of the Force" refers to any person, belonging to the military service of a State, who is serving under the Commander of the United Nations Force and to any civilian placed under the Commander by the State to which such civilian belongs.

2. "Cypriot authorities" means all State and local, civil and military authorities of the Government of the Republic of Cyprus called upon to perform functions relating to the Force under the provisions of these arrangements, without prejudice to the ultimate responsibility of the Government of the Republic of Cyprus (hereinafter referred to as "the Government").

3. "Participating State" means a Member of the United Nations that contributes military personnel to the Force.

4. "Area of operations" includes all areas throughout the territory of the Republic of Cyprus (which territory is hereinafter referred to as "Cyprus") where the Force is deployed in the performance of its functions as defined in operative paragraph 5 of the Security Council resolution of 4 March 1964 (S/5575); military installations or other premises referred to in paragraph 19 of these arrangements; and lines of communication and supply utilized by the Force pursuant to paragraphs 32 and 33 of these arrangements.

INTERNATIONAL STATUS OF THE FORCE AND ITS MEMBERS

5. Members of the Force shall respect the laws and regulations of Cyprus and shall refrain from any activity of a political character in Cyprus and from any action incompatible with the international nature of their duties or inconsistent with the spirit of the present arrangements. The Commander shall take all appropriate measures to ensure the observance of these obligations.

6. The Government undertakes to respect the exclusively international character of the Force as established by the Secretary-General in accordance with the Security Council resolution of 4 March 1964 (S/5575) and the international nature of its command and function.

ENTRY AND EXIT: IDENTIFICATION

7. Members of the Force shall be exempt from passport and visa regulations and immigration inspection and restrictions on entering or departing from Cyprus. They shall also be exempt from any regulations governing the residence of aliens in Cyprus, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in Cyprus. For the purpose of such entry or departure members of the Force will be required to have only (a) an individual or collective movement order issued by the Commander or an appropriate authority of the Participating State; and (b) a personal identity card issued by the Commander under the authority of the Secretary-General, except in the case of first entry, when the personal military identity card issued by the appropriate authorities of the Participating State will be accepted in lieu of the said Force identity card.

8. Members of the Force may be required to present, but not to surrender, their identity cards upon demand of such Cypriot authorities as may be mutually agreed between the Commander and the Government. Except as provided in paragraph 7 of these arrangements, the identity card will be the only document required for a member of the Force. If, however, it does not show the full name, date of birth, rank and number (if any), service and photograph of a member of the Force, such member may be required to present likewise the personal military identity card or similar document issued by the appropriate authorities of the Participating State to which he belongs.

9. If a member of the Force leaves the service of the Participating State to which he belongs and is not repatriated, the Commander shall immediately inform the Government, giving such particulars as may be required. The Commander shall similarly inform the Government if any member of the Force has absented himself for more than twenty-one days. If an expulsion order against an ex-member of the Force has been made, the Commander shall be responsible for ensuring that the person concerned shall be received within the territory of the Participating State concerned.

JURISDICTION

10. The following arrangements respecting criminal and civil jurisdiction are made having regard to the special functions of the Force and to the interests of the United Nations, and not for the personal benefit of the members of the Force.

CRIMINAL JURISDICTION

11. Members of the Force shall be subject to the exclusive jurisdiction of their respective national States in respect of any criminal offences which may be committed by them in Cyprus.

CIVIL JURISDICTION

12. (a) Members of the Force shall not be subject to the civil jurisdiction of the courts of Cyprus or to other legal process in any matter relating to their official duties. In a case arising from a matter relating to the official duties of a member of the Force and which involves a member of the Force and a Cypriot citizen, and in other disputes as agreed, the procedure provided in paragraph 38 (b) shall apply to the settlement.

(b) In those cases where civil jurisdiction is exercised by the courts of Cyprus with respect to members of the Force, the courts or other Cypriot authorities shall grant members of the Force sufficient opportunity to safeguard their rights. If the Commander certifies that a member of the Force is unable because of official duties or authorized absence to protect his interests in a civil proceeding in which he is a participant, the aforesaid court or authority shall at his request suspend the proceeding until the elimination of the disability, but for not more than ninety days. Property of a member of the Force which is certified by the Commander to be needed by him for the fulfilment of his official duties shall be free from seizure for the satisfaction of a judgement, decision or order, together with other property not subject thereto under the law of Cyprus. The personal liberty of a member of the Force shall not be restricted by a court or other Cypriot authority in a civil proceeding, whether to enforce a judgement, decision or order, to compel an oath of disclosure, or for any other reason.

(c) In the cases provided for in sub-paragraph (b) above, the claimant may elect to have his claim dealt with in accordance with the procedure set out in paragraph 38 (b) of these arrangements. Where a claim adjudicated or an award made in favour of the claimant by a court of Cyprus or the Claims Commission under paragraph 38 (b) of these arrangements has not been made satisfied, the Government may, without prejudice to the claimant's rights, seek the good offices of the Secretary-General to obtain satisfaction.

NOTIFICATION: CERTIFICATION

13. If any civil proceeding is instituted against a member of the Force before any court of Cyprus having jurisdiction, notification shall be given to the Commander. The Commander shall certify to the court whether or not the proceeding is related to the official duties of such member.

MILITARY POLICE: ARREST: TRANSFER OF CUSTODY AND MUTUAL ASSISTANCE

14. The Commander shall take all appropriate measures to ensure maintenance of discipline and good order among members of the Force. To this end military police designated by the Commander shall police the premises referred to in paragraph 19 of these arrangements, such areas where the Force is deployed in the performance of its functions, and such other areas as the Commander deems necessary to maintain discipline and order among members of the Force. For the purpose of this paragraph the military police of the Force shall have the power of arrest over members of the Force.

15. Military police of the Force may take into custody any Cypriot citizen committing an offence or causing a disturbance on the premises referred to in paragraph 19, without subjecting him to the ordinary routine of arrest, in order immediately to deliver him to the nearest appropriate Cypriot authorities for the purpose of dealing with such offence or disturbance.

16. The Cypriot authorities may take into custody a member of the Force, without subjecting him to the ordinary routine of arrest in order immediately to deliver him, together with any weapons or items seized, to the nearest appropriate authorities of the Force: (a) when so requested by the Commander, or (b) in cases in which the military police of the Force are unable to act with the necessary promptness when a member of the Force is apprehended in the commission or attempted commission of a criminal offence that results or might result in serious injury to persons or property, or serious impairment of other legally protected rights.

17. When a person is taken into custody under paragraph 15 and paragraph 16 (b), the Commander or the Cypriot authorities, as the case may be, may make a preliminary

interrogation but may not delay the transfer of custody. Following the transfer of custody, the person concerned shall be made available upon request for further interrogation.

18. The Commander and the Cypriot authorities shall assist each other in the carrying out of all necessary investigations into offences in respect of which either or both have an interest, in the production of witnesses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over, of things connected with an offence. The handing over of any such things may be made subject to their return within the time specified by the authority delivering them. Each shall notify the other of the disposition of any case in the outcome of which the other may have an interest or in which there has been a transfer of custody under the provisions of paragraphs 15 and 16 of these arrangements. The Government will ensure the prosecution of persons subject to its criminal jurisdiction who are accused of acts in relation to the Force or its members which, if committed in relation to the Cypriot army or its members, would have rendered them liable to prosecution. The Secretary-General will seek assurances from Governments of Participating States that they will be prepared to exercise jurisdiction with respect to crimes or offences which may be committed against Cypriot citizens by members of their national contingents serving with the Force.

PREMISES OF THE FORCE

19. The Government shall provide without cost to the Force and in agreement with the Commander such areas for headquarters, camps, or other premises as may be necessary for the accommodation and the fulfilment of the functions of the Force. Without prejudice to the fact that all such premises remain the territory of Cyprus, they shall be inviolable and subject to the exclusive control and authority of the Commander, who alone may consent to the entry of officials to perform duties on such premises.

UNITED NATIONS FLAG

20. The Government recognizes the right of the Force to display within Cyprus the United Nations flag on its headquarters, camps, posts or other premises, vehicles, vessels and otherwise as decided by the Commander. Other flags or pennants may be displayed only in exceptional cases and in accordance with conditions prescribed by the Commander. Sympathetic consideration will be given to observations or requests of the Government concerning this last-mentioned matter.

UNIFORM: VEHICLE, VESSEL AND AIRCRAFT MARKINGS AND REGISTRATION: OPERATING PERMITS

21. Members of the Force shall normally wear their national uniform with such identifying United Nations insignia as the Commander may prescribe. The conditions on which the wearing of civilian dress is authorized shall be notified by the Commander to the Government and sympathetic consideration will be given to observations or requests of the Government concerning this matter. Service vehicles, vessels and aircraft shall carry a distinctive United Nations identification mark and licence which shall be notified by the Commander to the Government. Such vehicles, vessels and aircraft shall not be subject to registration and licensing under the laws and regulations of Cyprus. Cypriot authorities shall accept as valid, without a test or fee, a permit or licence for the operation of service vehicles, vessels and aircraft issued by the Commander.

ARMS

22. Members of the Force may possess and carry arms in accordance with their orders.

PRIVILEGES AND IMMUNITIES OF THE FORCE

23. The Force, as a subsidiary organ of the United Nations, enjoys the status, privileges and immunities of the Organization in accordance with the Convention on the Privileges and Immunities of the United Nations. The provisions of article II of the Convention on the Privileges and Immunities of the United Nations shall also apply to the property, funds and assets of Participating States used in Cyprus in connexion with the national contingents serving in the Force. The Government recognizes that the right of the Force to import free of duty equipment for the Force and provisions, supplies and other goods for the exclusive use of members of the Force, members of the United Nations Secretariat detailed by the Secretary-General to serve with the Force, excluding locally recruited personnel, includes the right of the Force to establish, maintain and operate at headquarters, camps and posts, service institutes providing amenities for the persons aforesaid. The amenities that may be provided by service institutes shall be goods of a consumable nature (tobacco and tobacco products, beer, etc.), and other customary articles of small value. To the end that duty-free importation for the Force may be effected with the least possible delay, having regard to the interests of the Government, a mutually satisfactory procedure, including documentation, shall be arranged between the appropriate authorities of the Force and the Government. The Commander shall take all necessary measures to prevent any abuse of the exemption and to prevent the sale or resale of such goods to persons other than those aforesaid. Sympathetic consideration shall be given by the Commander to observations or requests of the Government concerning the operation of service institutes.

PRIVILEGES AND IMMUNITIES OF OFFICIALS AND MEMBERS OF THE FORCE

24. Members of the United Nations Secretariat detailed by the Secretary-General to serve with the Force remain officials of the United Nations entitled to the privileges and immunities of articles V and VII of the Convention on the Privileges and Immunities of the United Nations. With respect to the locally recruited personnel of the Force, however, who are not members of the Secretariat, the United Nations will assert its right only to the immunities concerning official acts, and exemption from taxation and national service obligations provided in sections 18 (a), (b) and (c) of the Convention on the Privileges and Immunities of the United Nations.

25. The Commander shall be entitled to the privileges, immunities and facilities of sections 19 and 27 of the Convention on the Privileges and Immunities of the United Nations. Officers serving on the Commander's Headquarters Staff and such other senior field officers as he may designate are entitled to the privileges and immunities of article VI of the Convention on the Privileges and Immunities of the United Nations. Subject to the foregoing, the United Nations will claim with respect to members of the Force only those rights expressly provided in the present or supplemental arrangements.

MEMBERS OF THE FORCE: TAXATION, CUSTOMS AND FISCAL REGULATIONS

26. Members of the Force shall be exempt from taxation on the pay and emoluments received from their national Governments or from the United Nations. They shall also be exempt from all other direct taxes except municipal rates for services enjoyed, and from all registration fees, and charges.

27. Members of the Force shall have the right to import free of duty their personal effects in connexion with their arrival in Cyprus. They shall be subject to the laws and regulations of Cyprus governing customs and foreign exchange with respect to personal property not required by them by reason of their presence in Cyprus with the Force. Special facilities for entry or exit shall be granted by the Cypriot immigration, customs and fiscal

authorities to regularly constituted units of the Force provided that the authorities concerned have been duly notified sufficiently in advance. Members of the Force on departure from Cyprus may, notwithstanding the foreign exchange regulations, take with them such funds as the appropriate pay officer of the Force certifies were received in pays and emoluments from their respective national Governments or from the United Nations and are a reasonable residue thereof. Special arrangements between the Commander and the Government shall be made for the implementation of the foregoing provisions in the mutual interests of the Government and members of the Force.

28. The Commander will co-operate with Cypriot customs and fiscal authorities in ensuring the observance of the customs and fiscal laws and regulations of Cyprus by the members of the Force in accordance with these or any relevant supplemental arrangements.

COMMUNICATIONS AND POSTAL SERVICES

29. The Force enjoys the facilities in respect to communications provided in article III of the Convention on the Privileges and Immunities of the United Nations. The Commander shall have authority to install and operate a radio sending and receiving station or stations to connect at appropriate points and exchange traffic with the United Nations radio network, subject to the provisions of article 47 of the International Telecommunications Convention relating to harmful interference. The frequencies on which any such station may be operated will be duly communicated by the United Nations to the Government and to the International Frequency Registration Board. The right of the Commander is likewise recognized to enjoy the priorities of government telegrams and telephone calls as provided for the United Nations in article 39 and annex 3 of the latter Convention and in article 62 of the telegraph regulations annexed thereto.

30. The Force shall also enjoy, within its area of operations, the right of unrestricted communication by radio, telephone, telegraph or any other means, and of establishing the necessary facilities for maintaining such communications within and between premises of the Force, including the laying of cables and land lines and the establishment of fixed and mobile radio sending and receiving stations. It is understood that the telegraph and telephone cables and lines herein referred to will be situated within or directly between the premises of the Force and the area of operations, and that connexion with the Cypriot system of telegraphs and telephones will be made in accordance with arrangements with the appropriate Cypriot authorities.

31. The Government recognizes the right of the Force to make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of the Force. The Government will be informed of the nature of such arrangements. No interference shall take place with, and no censorship shall be applied to, the mail of the Force by the Government. In the event that postal arrangements applying to private mail of members of the Force are extended to operations involving transfer of currency, or transport of packages or parcels from Cyprus, the conditions under which such operations shall be conducted in Cyprus will be agreed upon between the Government and the Commander.

FREEDOM OF MOVEMENT

32. The Force and its members together with its service vehicles, vessels, aircraft and equipment shall enjoy freedom of movement throughout Cyprus. Wherever possible the Commander will consult with the Government with respect to large movements of personnel, stores or vehicles on roads used for general traffic. The Government will supply the Force with maps and other information, including locations of dangers and impediments, which may be useful in facilitating its movements.

USE OF ROADS, WATERWAYS, PORT FACILITIES, AND AIRFIELDS

33. The Force shall have the right to the use of roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls or charges either by way of registration or otherwise, throughout Cyprus.

WATER, ELECTRICITY AND OTHER PUBLIC UTILITIES

34. The Force shall have the right to the use of water, electricity and other public utilities at rates not less favourable to the Force than those to comparable consumers. The Government will, upon the request of the Commander, assist the Force in obtaining water, electricity and other utilities required, and in the case of interruption or threatened interruption of service, will give the same priority to the needs of the Force as to essential Government services. The Force shall have the right where necessary to generate, within the premises of the Force either on land or water, electricity for the use of the Force, and to transmit and distribute such electricity as required by the Force.

CYPRIOI CURRENCY

35. The Government will, if requested by the Commander, make available to the Force, against reimbursement in such other mutually acceptable currency, Cypriot currency required for the use of the Force, including the pay of the members of the national contingents, at the rate of exchange most favourable to the Force that is officially recognized by the Government.

PROVISIONS, SUPPLIES AND SERVICES

36. The Government will, upon the request of the Commander, assist the Force in obtaining equipment, provisions, supplies and other goods and services required from local sources for its subsistence and operation. Sympathetic consideration will be given by the Commander in purchases on the local market to requests or observations of the Government in order to avoid any adverse effect on the local economy. Members of the Force and United Nations officials may purchase locally goods necessary for their own consumption, and such services as they need, under conditions not less favourable than for Cypriot citizens. If members of the Force and United Nations officials should require medical or dental facilities beyond those available within the Force, arrangements shall be made with the Government under which such facilities may be made available. The Commander and the Government will co-operate with respect to sanitary services. The Commander and the Government shall extend to each other the fullest co-operation in matters concerning health, particularly with respect to the control of communicable diseases in accordance with international conventions; such co-operation shall extend to the exchange of relevant information and statistics.

LOCALLY RECRUITED PERSONNEL

37. The Force may recruit locally such personnel as required. The terms and conditions of employment for locally recruited personnel shall be prescribed by the Commander and shall generally, to the extent practicable, follow the practice prevailing in the locality.

SETTLEMENT OF DISPUTES OR CLAIMS

38. Disputes or claims of a private law character shall be settled in accordance with the following provisions:

(a) The United Nations shall make provisions for the appropriate modes of settlement of disputes or claims arising out of contract or other disputes or claims of a private law character to which the United Nations is a party other than those covered in sub-paragraphs (b) and (c) following.

(b) Any claim made by

(i) a Cypriot citizen in respect of any damages alleged to result from an act or omission of a member of the Force relating to his official duties;

(ii) the Government against a member of the Force; or

(iii) the Force or the Government against one another, that is not covered by paragraphs 39 or 40 of these arrangements,

shall be settled by a Claims Commission established for that purpose. One member of the Commission shall be appointed by the Secretary-General, one member by the Government and a chairman jointly by the Secretary-General and the Government. If the Secretary-General and the Government fail to agree on the appointment of a chairman, the President of the International Court of Justice shall be asked by either to make the appointment. An award made by the Claims Commission against the Force or a member thereof or against the Government shall be notified to the Commander or the Government, as the case may be, to make satisfaction thereof.¹

(c) Disputes concerning the terms of employment and conditions of service of locally recruited personnel shall be settled by administrative procedure to be established by the Commander.

39. All differences between the United Nations and the Government arising out of the interpretation or application of these arrangements which involve a question of principle concerning the Convention on the Privileges and Immunities of the United Nations shall be dealt with in accordance with the procedure of section 30 of the Convention.

40. All other disputes between the United Nations and the Government concerning the interpretation or application of these arrangements which are not settled by negotiation or other agreed mode of settlement shall be referred for final settlement to a tribunal of three arbitrators, one to be named by the Secretary-General of the United Nations, one by the Government and an umpire to be chosen jointly by the Secretary-General and the Government. If the two parties fail to agree on the appointment of the umpire within one month of the proposal of arbitration by one of the parties, the President of the International Court of Justice shall be asked by either party to appoint the umpire. Should a vacancy occur for any reason, the vacancy shall be filled within thirty days by the method laid down in this paragraph for the original appointment. The Tribunal shall come into existence upon the appointment of the umpire and at least one of the other members of the tribunal. Two members of the tribunal shall constitute a quorum for the performance of its functions, and for all deliberations and decisions of the tribunal a favourable vote of two members shall be sufficient.

¹ In this respect attention must be drawn to operative paragraph 6 of the Security Council resolution of 4 March 1964 (S/5575) whereby the Council, *inter alia*, recommends that all costs pertaining to the Force be:

“met, in a manner to be agreed upon by them, by the Governments providing contingents and by the Government of Cyprus. The Secretary-General may also accept voluntary contributions for this purpose”.

It is understood that the obligations of the Commander to make satisfaction as provided for in paragraph 38 (b) of the present arrangements are necessarily limited under the aforementioned paragraph of the Security Council resolution to the extent (a) that funds are available to him for this purpose and/or (b) alternative arrangements are arrived at with the Participating Governments and the Government of Cyprus.

LIAISON

41. The Commander and the Government shall take appropriate measures to ensure close and reciprocal liaison in the implementation of the present agreement. Furthermore, arrangements will be made, *inter alia*, for liaison on a State and local level between the Force and the Government security forces to the extent the Commander deems this to be necessary and desirable for the performance of the functions of the Force in accordance with the Security Council resolution of 4 March 1964 (S/5575). In case of requests by the Government security forces for the assistance of the Force, the Commander, in view of the international status and function of the Force, will decide whether, within the framework of the aforesaid resolution, he may meet such requests. The Commander of the Force may make requests for assistance from the Government security forces, at the State or local level, as he may deem necessary in pursuance of the aforesaid resolution, and they will, as far as possible, meet such requests in a spirit of co-operation.

DECEASED MEMBERS: DISPOSITION OF PERSONAL PROPERTY

42. The Commander shall have the right to take charge of and dispose of the body of a member of the Force who dies in Cyprus and may dispose of his personal property after the debts of the deceased person incurred in Cyprus and owing to Cypriot citizens have been settled.

SUPPLEMENTAL ARRANGEMENTS

43. Supplemental details for the carrying out of these arrangements shall be made as required between the Commander and appropriate Cypriot authorities designated by the Government.

CONTACTS IN THE PERFORMANCE OF THE FUNCTION OF THE FORCE

44. It is understood that the Commander and members of the Force authorized by him may have such contacts as they deem necessary in order to secure the proper performance of the function of the Force, under the Security Council resolution of 4 March 1964 (S/5575).

EFFECTIVE DATE AND DURATION

45. Upon acceptance of this proposal by your Government, the present letter and your reply will be considered as constituting an agreement between the United Nations and Cyprus that shall be deemed to have taken effect as from the date of the arrival of the first element of the Force in Cyprus, and shall remain in force until the departure of the Force from Cyprus. The effective date that the departure has occurred shall be defined by the Secretary-General and the Government. The provisions of paragraphs 38, 39 and 40 of these arrangements, relating to the settlement of disputes, however, shall remain in force until all claims arising prior to the date of termination of these arrangements, and submitted prior to or within three months following the date of termination, have been settled.

In conclusion I wish to affirm that the activities of the Force will be guided in good faith by the task established for the Force by the Security Council. Within this context the Force, as established by the Secretary-General and acting on the basis of his directives under the exclusive operational direction of the Commander, will use its best endeavours, in the interest of preserving international peace and security, to prevent a recurrence of

fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General

His Excellency
Mr. Spyros A. Kyprianou
Minister for Foreign Affairs
c/o Permanent Mission of Cyprus to the United Nations
165 East 72nd Street
New York 21, N. Y.

II

Permanent Mission of the Republic of Cyprus
to the United Nations
165 East 72nd Street
New York 21, N. Y.

31 March 1964

Sir,

I have the honour to refer to your letter of 31 March 1964, in which you have proposed that the Republic of Cyprus and the United Nations should make the *ad hoc* arrangements contained therein which define certain of the conditions necessary for the effective discharge of the functions of the United Nations Force in Cyprus while it remains in Cyprus. Recalling that by letter of 4 March 1964, I informed you of the agreement of the Government of the Republic of Cyprus to the establishment of the Force, I now have the pleasure to inform you in the name of the Government of the Republic of Cyprus of its full agreement on, and its acceptance of, the terms of your letter.

The Government of the Republic of Cyprus agrees, furthermore, that subject to ratification by the Republic of Cyprus, your letter and this reply will be considered as constituting an agreement between Cyprus and the United Nations concerning the status of the United Nations Force in Cyprus. Pending such ratification the Government of the Republic of Cyprus undertakes to give provisional application to the arrangements contained in your letter and to use its best efforts to secure the earliest possible ratification of the agreement.

In conclusion, I wish to affirm that the Government of the Republic of Cyprus, recalling the Security Council resolution of 4 March 1964 (S/5575), and, in particular, paragraphs 2 and 5 thereof, will be guided in good faith, when exercising its sovereign rights on any matter concerning the presence and functioning of the Force, by its acceptance of the recommendation of the Security Council that a peace-keeping Force be established in Cyprus.

Accept, Sir, the assurances of my highest consideration.

Spyros A. KYPRIANOU
Minister for Foreign Affairs

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

9. EXCHANGES OF LETTERS CONSTITUTING AGREEMENTS BETWEEN THE UNITED NATIONS AND THE GOVERNMENTS OF CYPRUS, GREECE, TURKEY AND THE UNITED KINGDOM CONCERNING THE PRIVILEGES, IMMUNITIES, EXEMPTIONS AND FACILITIES TO BE ACCORDED TO THE UNITED NATIONS MEDIATOR AND HIS STAFF.¹ NEW YORK, 27 AND 30 MARCH 1964; NEW YORK, 27 AND 30 MARCH 1964; NEW YORK, 27 MARCH 1964 AND ANKARA, 31 MARCH 1964; NEW YORK, 27 MARCH AND 2 APRIL 1964

I

27 March 1964

Sir,

I have the honour to inform you that pursuant to Security Council resolution S/5575 of 4 March 1964, and in agreement with the Government of Cyprus and the Governments of Greece, Turkey and the United Kingdom, I have appointed H. E. Sakari Severi Tuomioja as Mediator to perform the functions defined in paragraph 7 of the aforesaid resolution. It is assumed that Mr. Tuomioja will in the course of his duties find it necessary to visit from time to time Cyprus, Greece, Turkey and the United Kingdom.

I am confident that, in the exercise of the functions entrusted to him by virtue of the aforesaid resolution, the Mediator and his staff will have the full co-operation of the Governments and the communities concerned and, in particular, will be accorded, in conformity with Article 105 of the Charter, all privileges and immunities necessary for the independent exercise of these functions.

It is my considered opinion that, in view of the nature of the position which he holds on behalf of this Organization and of the delicate and important functions entrusted to him, it would be necessary for the independent exercise of these functions that the Mediator, together with his staff, enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys.

I have the honour, therefore, to express to Your Excellency the hope that your Government will be good enough to agree to extend to Mr. Tuomioja and his staff the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law, and that the appropriate authorities be notified accordingly.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General

His Excellency
Mr. Spyros A. Kyprianou
Minister for Foreign Affairs
Ministry of Foreign Affairs
Nicosia
Cyprus

¹ Came into force, respectively, on 30 March 1964, 30 March 1964, 31 March 1964 and 2 April 1964. These agreements were subsequently extended to apply to the present United Nations Mediator, Mr. Galo Plaza, and his staff.

II

Permanent Mission of the Republic of Cyprus
to the United Nations
165 East 72nd Street
New York 21, N. Y.

30 March 1964

Excellency,

With reference to your letter of 27 March 1964, I have the honour to inform you that the Government of Cyprus agrees to extend to Mr. Tuomioja and his staff, for the duration of their assignment, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys. The appropriate authorities are being notified accordingly.

Accept, Excellency, the assurances of my highest consideration.

Spyros KYPRIANOU
Minister of Foreign Affairs
for the Republic of Cyprus

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

The exchanges of letters between the United Nations and the Governments of Greece, Turkey and the United Kingdom are similar to the above exchange of letters.

B. Treaty provisions concerning the legal status of inter-governmental organizations related to the United Nations

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

In 1964, 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

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.

<i>State</i>		<i>Date of receipt of instrument of accession or notification</i>	<i>Specialized agencies</i>
Algeria	Accession	25 March 1964	WHO, ICAO, ILO, FAO, UNESCO, BANK, FUND, UPU, ITU, WMO, IMCO
Congo (Democratic Republic of)	Accession	8 December 1964	WHO, ICAO, ILO, FAO, BANK, FUND, UPU, ITU, WMO, IFC, IDA, UNESCO
Cyprus	Notification of succession ¹	6 May 1964	WHO, ICAO, ILO, FAO, UNESCO, UPU, ITU, WMO, IMCO
Rwanda	Accession	15 April 1964	WHO, ILO, UNESCO, ITU, UPU, WMO
	Notification	23 June 1964	BANK, FUND, IDA
Yugoslavia	Notification	8 April 1964	FAO—revised text of annex II, IMCO, IFC, IDA

As of 31 December 1964, fifty States were parties to the Convention.

2. INTERNATIONAL LABOUR ORGANISATION

- (a) Agreement between the Government of Ethiopia and the ILO concerning the establishment of an office of the ILO in Addis Ababa.² Signed at Addis Ababa on 10 December 1964

Article 3

Juridical Personality

The I. L. O. Office shall possess juridical personality. It shall have the capacity—

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

Article 5

Property, Funds and Assets

(1) The I. L. O. Office, its property and its assets shall enjoy immunity from every form of legal process except in so far as in any particular case the International Labour Office has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

¹ By a communication received on 6 May 1964, the Government of Cyprus notified the Secretary-General of the United Nations that it considers itself bound by the present Convention, the application of which had been extended to its territory before the attainment of independence, in respect of the specialized agencies indicated here.

² Came into force on 10 December 1964.

(2) The premises and archives of the I. L. O. Office shall be inviolable and its official correspondence and communications not be subject to any form of censorship.

(3) The I. L. O. Office shall enjoy for its official communications treatment not less favourable than that accorded by the Government to any foreign Government including foreign diplomatic missions in Ethiopia.

(4) The I. L. O. Office may freely hold funds in non-Ethiopian currency; it may freely transfer those funds from Ethiopia to other countries.

- (5) The I. L. O. Office, its assets, income and other movable property shall be exempt—
- (a) from all direct taxes, it being understood, however, that no claim of exemption shall be made from taxes which are, in fact, no more than charges for public utility services;
 - (b) from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the I. L. O. Office for its exclusive official use; it is understood, however, that articles imported under such exemption will not be sold in Ethiopia except under conditions agreed with the Government;
 - (c) from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Article 6

Status of the Staff

(1) The staff of the I. L. O. Office, excepting those who are assigned to hourly rates, shall enjoy in the territory of Ethiopia the following privileges, immunities and exemptions:

- (a) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) immunity from national service obligations, provided that, with respect to Ethiopian nationals, such exemption shall be confined to the staff who by reason of their duties the Government agrees to their temporary deferment in the call-up to avoid interruption in the continuation of the essential work of the I. L. O. Office;
- (c) immunity, together with members of their families, from immigration restrictions and alien registration;
- (d) exemption for staff, other than Ethiopian nationals and permanent foreign residents of Ethiopia, from any form of direct taxation on income derived from sources outside Ethiopia;
- (e) the right for the staff, other than Ethiopian nationals and permanent foreign residents, to take out of Ethiopia funds in non-Ethiopian currencies without any restrictions or limitations, provided that they can show good cause for their lawful possession of such funds. Nothing said in this provision shall, however, be interpreted to limit the right of members of the staff whatever their nationality or residence undertaking official missions outside Ethiopia to take with them funds in non-Ethiopian currencies provided by the I. L. O. for the fulfilment of these missions;
- (f) exemption from import duty and other levies and from prohibitions and restrictions on imports for their furniture and personal effects within six months after first taking up their post in Ethiopia or their permanent appointment to them. This exemption includes one automobile upon first installation.

It is understood, however, that articles imported under such exemption will not be sold in Ethiopia except under conditions agreed with the Government;

(g) in addition to the immunities and privileges for which provision is made herein, the Director and Deputy Director of the I. L. O. Office shall have, in respect of themselves, their spouses and minor children, such privileges, exemptions and facilities as are accorded in international law and practice to diplomatic representatives of comparable rank. The Director and Deputy Director shall, for this purpose, be incorporated by the Imperial Ethiopian Ministry of Foreign Affairs into the Diplomatic List.

(2) The privileges and immunities for which provision is made in this Agreement are granted for the purpose of carrying out effectively the aims and purposes of the Organisation and not for the personal benefit of the staff of the I. L. O. Office. The Director of the I. L. O. Office shall have the right and the duty to waive the immunity of any member of the staff in any case where such immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation. In the case of the Director of the I. L. O. Office, the Director-General of the International Labour Office shall have the right to waive the immunity.

Article 7

“Laissez-Passer”

(1) The Government shall recognise and accept the United Nations *laissez-passer* issued to the staff of the I. L. O. Office and experts invited to the I. L. O. Office on official business as a valid travel document.

(2) The Government shall issue courtesy visas to such holders when their request is accompanied by a certificate that they are travelling on the business of the I. L. O. Office.

Article 8

Abuses of Privileges and Settlement of Disputes

(1) The I. L. O. Office and its staff shall co-operate at all times with the appropriate Ethiopian authorities to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges and immunities granted by this Agreement. It shall for this purpose establish such rules and regulations as it may deem necessary and expedient, and pay due regard to any representation made by the Government.

(2) Any dispute between the Organisation and the Government concerning the interpretation or application of this Agreement and its Annex which is not settled by negotiation or other agreed mode of settlement shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Organisation, one to be named by the Government and the third to be chosen by agreement of both parties, or, in case of failure, by the President of the International Court of Justice.

ANNEX TO THE AGREEMENT

In addition to the privileges, immunities and facilities enumerated in Article 6 of the Agreement, the staff of the I.L.O. Office shall be accorded the following facilities and exemptions:

1. Repatriation facilities in time of international crises, together with members of their families, as would be accorded to the staff of other international organisations resident in Ethiopia.

2. Exemption for staff, other than Ethiopian nationals and permanent foreign residents of Ethiopia, from taxation on salaries, emoluments and indemnities paid to them by the International Labour Office.

It is understood, however, that the restriction "other than Ethiopian nationals and permanent foreign residents of Ethiopia", would not be applicable until such a time as Ethiopian nationals and permanent foreign residents of Ethiopia, presently employed by other international organisations, would be subjected to similar restrictions.

- (b) Agreement between the Government of Uruguay and the ILO concerning the establishment of an Inter-American Vocational Training Research and Documentation Centre.¹ Signed at Montevideo on 16 December 1963

Article 3

The Government will grant to the Centre and to the personnel employed by the Director-General of the ILO the privileges and immunities provided for by the Convention on the Privileges and Immunities of the Specialized Agencies.

Article 5

The Government shall take all necessary measures to facilitate, within the national territory, the entry, exit and residence of all persons officially participating in the activities of the Centre, including those holding fellowships.

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

- (a) Agreement on co-operation between the African Institute of Economic Development and Planning and UNESCO.² Signed at Paris on 7 February 1964 and at Dakar on 6 March 1964

14. It is understood that the appropriate clauses of the agreement providing for the privileges and immunities of the Institute and of its staff members will cover the staff members of the Educational Planning Section [established within the Institute by UNESCO and the Institute], visiting experts, participants at meetings and seminars on the subject, as well as any equipment provided by UNESCO.

- (b) Agreement between the Government of the Ivory Coast and UNESCO concerning the Regional Conference on the Planning and Organization of Literacy Programmes in Africa and the Conference of Ministers of Education of African Countries. Signed at Paris on 17 January 1964

IV. *Privileges and immunities*

The Government of the Republic of the Ivory Coast, which is a party to the Convention on the Privileges and Immunities of the Specialized Agencies and to annex IV to the said Convention, shall apply the provisions of the Convention and of the said annex to the said conferences. It shall impose no restrictions on the entry into and stay in its territory of persons of whatsoever nationality who are to participate in an official capacity in the said conferences.

¹ Came into force on 16 December 1963.

² Came into force on 6 March 1964.

V. *Damage and accidents*

In respect of damage caused to the premises and furniture made available to the Organization in connexion with the two conferences and accidents suffered by the participants and members of the Secretariat in the said premises, the liability incurred respectively by the Government of the Republic of the Ivory Coast and the Organization shall be as follows:

During the period when the said premises are made available to the Organization, the Government of the Republic of the Ivory Coast shall be liable for any damage to the premises, furniture and equipment and for any accidents suffered by the users within the said premises. On the other hand, the Organization shall make no objection to such measures as the Ivory Coast authorities may see fit to take with a view to the protection of the premises, furniture and equipment, especially against fire and theft.

- (c) Letter constituting an agreement between the Government of France and UNESCO concerning the organization of the International Conference on Youth (Grenoble, 23 August-1 September 1964).¹ Signed at Paris on 7 and 29 February 1964

5. *Privileges and immunities*

The Government of the French Republic shall accord, in connexion with the said Conference, the privileges, immunities and facilities provided for in the Agreement regarding the Headquarters of UNESCO and the Privileges and Immunities of the Organization on French Territory, signed at Paris on 2 July 1954. In particular, it shall impose no restrictions on the entry into and stay in its territory of persons of whatsoever nationality who are to participate in an official capacity in the said Conference. The French Government shall also accord all other privileges and facilities required in order to ensure that the work of the Conference proceeds properly.

6. *Damage and accidents*

[Similar to article V in (b) above]

- (d) Agreement between the Government of the Union of Soviet Socialist Republics and UNESCO concerning an inter-disciplinary meeting of experts on the biological aspects of the racial issue (Moscow, 12-18 August 1964).² Signed at Paris on 30 April and 8 June 1964

IV. *Privileges and immunities*

[Similar to article IV in (b) above]

- (e) Agreement between the Government of the United Arab Republic and UNESCO concerning the Regional Conference on the Planning and Organization of Literacy Programmes in the Arab States (Alexandria, 10-18 October 1964).³ Signed at Paris on 18 March 1964 and at Cairo on 1 June 1964

¹ Came into force on 29 February 1964.

² Came into force on 8 June 1964.

³ Came into force on 1 June 1964.

3. *Privileges and immunities*
[Similar to article IV in (b) above]

4. *Damage and accidents*
[Similar to article V in (b) above]

- (f) Agreement between the Government of Nigeria and UNESCO concerning the Conference on Research and Training related to Natural Resources in Africa (28 July-6 August 1964).¹ Signed at Paris on 15 April 1964 and at Lagos on 13 May 1964

3. *Privileges and immunities*
[Similar to article IV in (b) above]

4. *Damage and accidents*

The Government of Nigeria 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 shall hold UNESCO and the above-named persons harmless in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by UNESCO and the Government of Nigeria that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.

- (g) Agreement between the Government of Ghana and UNESCO concerning the Meeting of Directors of Educational Documentation Centres, Educational Research Institutes and Audio-Visual Services in Africa. Signed at Paris on 28 April 1964

3. *Privileges and immunities*
[Similar to article IV in (b) above]

- (h) Agreement between the Government of the Union of Soviet Socialist Republics and UNESCO concerning the meeting of a joint group of experts on Photo-synthetic Radiant Energy.² Signed at Paris on 30 July 1964 and at Moscow on 7 August 1964

The Government shall also apply to UNESCO, its officials and experts, the privileges and immunities provided in the Convention on the Privileges and Immunities of the Specialized Agencies, subject to Annex IV thereof, it being understood in particular that no restriction shall be imposed upon the rights of entry into, sojourn in, and departure from the territories of the Soviet Union of any persons participating in this meeting, without distinction of nationality.

¹ Came into force on 13 May 1964.

² Came into force on 7 August 1964.

- (i) Agreement between the Government of Japan and UNESCO concerning the Regional Training Course in Theoretical and Applied Electronics.¹ Signed at Paris on 10 September 1964 and at Tokyo on 7 October 1964

This agreement contains provisions similar to those cited in (h) above.

4. INTERNATIONAL ATOMIC ENERGY AGENCY

- (a) Agreement on the Privileges and Immunities of the IAEA.² Approved by the Board of Governors of the IAEA on 1 July 1959

No instruments of acceptance of this agreement were deposited in 1964.

- (b) Agreement between the IAEA and the Government of Italy concerning the establishment of an international centre for theoretical physics at Trieste.³ Rome, 11 October 1963

Article VIII

Privileges and immunities

Section 20. In connection with the Centre the Government shall apply the Agreement on the Privileges and Immunities of the Agency to the extent that its provisions are applicable to this Agreement.

Section 21.

(a) The Government recognizes the inviolability of the Centre.

(b) Except as otherwise provided in this Agreement, the laws of the Italian Republic shall apply within the Centre.

(c) Except as otherwise provided in this Agreement, the courts of the Italian Republic shall have jurisdiction, as provided by law, over acts done and transactions taking place in the Centre.

(d) No officer or official of the Italian Republic, or other person exercising any public authority within the Italian Republic, shall enter the Centre to perform any duties therein except with the consent of, and under conditions approved by, the Director General of the Agency. The service of legal process, including the seizure of private property, may take place within the Centre only with the consent of, and under conditions approved by, the Director General of the Agency.

(e) The Agency shall prevent the Centre from being used as refuge by persons who are avoiding arrest under any law of the Italian Republic, required by the Government for extradition to another country, or endeavouring to avoid service of legal process.

¹ Came into force on 7 October 1964.

² United Nations, *Treaty Series*, vol. 374, p. 147.

³ On 20 November 1963, the Director General of the IAEA informed the Italian Government, pursuant to Section 29 of the agreement, that on the part of the IAEA all the necessary formalities for its entry into force had been completed. By a communication of 21 February 1964, the Italian Government undertook to apply the agreement *de facto*.

The provisions of sub-paragraphs (a), (d) and (e) shall not apply to the living quarters provided for the Centre's staff and fellows.

Section 22. The Government recognizes the right of the Agency to convene meetings at the Centre or, with the concurrence of the appropriate Italian authorities, elsewhere in the Italian Republic. At all meetings convened by the Agency, the Government shall take all appropriate steps to ensure that no impediment is placed in the way of full freedom of discussion.

Section 23. In accordance with section 8 of the Agreement on the Privileges and Immunities of the Agency, the Agency shall be exempt from customs duties and other levies, prohibitions and restrictions on the importation of service automobiles, and spare parts thereof, required for its official purposes on the understanding that the number of such vehicles shall at no time exceed 2 (two). The Government shall grant allotments of gasoline or other required fuel and lubricating oils for each such vehicle in the quantities and at the rates prevailing for members of diplomatic missions in the Italian Republic.

Section 24. Provided he comes within the category of officials referred to in section 20 of the Agreement on the Privileges and Immunities of the Agency, the Director of the Centre shall be accorded privileges and immunities, exemptions and facilities not less than those accorded by the Government to members of the Diplomatic Corps.

Section 25. In addition to the privileges and immunities they enjoy under the Agreement on the Privileges and Immunities of the Agency, officials of the Agency shall enjoy the following privileges and immunities within and with respect to the Italian Republic:

- (a) Immunity from seizure of their personal baggage and any official baggage carried by them;
- (b) As regards income derived from sources outside the Italian Republic, officials who are not Italian citizens shall be regarded as resident for fiscal purposes in their country of origin and shall not be under an obligation to submit tax returns in respect of such income;
- (c) For officials who are not Italian citizens, freedom to maintain foreign currency accounts and at the termination of their employment in the Centre the right to take out of the Italian Republic, through authorized channels, without prohibition or restriction, and in the same currencies, the amounts standing to the credit of such accounts;
- (d) The right, within six months of first taking up their posts in the Italian Republic, to import their furniture and effects, including one automobile each, in one or more shipments, free of duty and all prohibitions and restrictions on imports;
- (e) All officials of the Agency shall receive from the Government a special card certifying the fact that they are officials of the Agency.

Section 26. Fellows shall enjoy exemption from any form of direct taxation on their fellowship grant, provided it is paid to them by the Agency or from any other non-Italian source.

Section 27.

(a) The appropriate Italian authorities shall impose no impediment to transit to or from the Centre of officials of the Agency, their families and members of their households and shall provide them with any necessary visas without charge and as promptly as possible as well as affording them any necessary protection in transit.

(b) The Director General and the appropriate Italian authorities shall, at the request of either of them, consult as to methods of facilitating entrance into the Italian Republic by persons coming from abroad who have to visit the Centre and who do not enjoy the privileges conferred by sub-paragraph (a) but fall into one or other of the following categories:

- (i) Fellows of the Centre and their families;
- (ii) Any other persons visiting the Centre on official business.

Any visas required by these persons shall be granted without charge.

(c) Nordic mutual emergency assistance agreement in connection with radiation accidents concluded between the IAEA¹ and the Governments of Denmark,² Finland,³ Norway¹ and Sweden.¹ Signed at Vienna on 17 October 1963

Article IV

Liability

1. The Requesting State shall bear all risks and claims resulting from, occurring in the course of or otherwise connected with, the assistance rendered on its territory and covered by this Agreement. In particular, the Requesting State shall be responsible for dealing with claims which might be brought by third parties against the Assisting Party or personnel. Except in respect of liability of individuals having caused the damage by wilful misconduct or by gross negligence, the Requesting State shall hold the Assisting Party or personnel harmless in case of any claims or liabilities in connection with the assistance.

2. The Requesting State shall compensate the Assisting Party for the death of, or temporary or permanent injury to, personnel, as well as for loss of, or damage to, non-perishable equipment or materials, caused within its territory in connection with the assistance.

3. The Assisting State shall bear all risks and claims in connection with damage or injury occurring in its own territory.

4. The Requesting and the Assisting States shall be released from their obligations under paragraphs 1-3 to the extent that the damage is covered by an operator of a nuclear installation who is liable for nuclear damage under the applicable national law.

5. The provisions of this Article shall not prejudice any recourse action under the applicable national law, except that recourse actions can be brought against assisting personnel only in respect of damage or injury which they have caused by wilful misconduct or gross negligence.

Article VI

Facilities, Privileges and Immunities

The Requesting State shall afford, in relation to the assistance, the necessary facilities, privileges and immunities with a view to securing the expeditions performance of functions under this Agreement. In relation to assistance provided by the International Atomic Energy Agency, the Requesting State shall apply the Agreement on the Privileges and Immunities of the Agency.

¹ Came into force between the IAEA, Norway and Sweden on 19 June 1964.

² Came into force in respect of Denmark on 17 August 1964.

³ Not in force as of 31 December 1964 in respect of Finland.

(d) Agreement between the IAEA and the Government of Argentina for assistance by the IAEA to Argentina in establishing a research and isotope production reactor project.¹ Signed at Vienna on 2 December 1964

Article VI

Agency inspectors

Section 9. The provisions relating to Agency inspectors shall be those set forth in the Annex to Agency document GC(V)/INF/39.² Argentina 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.

¹ Came into force on 2 December 1964.

² Section IV of this Annex reads as follows:

IV. The privileges and immunities of the Agency's inspectors

13. Agency inspectors shall be granted the privileges and immunities necessary for the performance of their functions. Suitable provision shall be included in each project or safeguards agreement for the application, in so far as relevant to the execution of that agreement, of the provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency excepting Articles V and XII thereof, provided that all parties to the project or safeguards agreement so agree.

14. Disputes between a State and the Agency arising out of the exercise of the functions of Agency inspectors will be settled according to an appropriate disputes clause in the pertinent project or safeguards agreement.