

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1972

Part One. Legal status of the United Nations and related intergovernmental
organizations

Chapter II. Treaty provisions concerning the legal status of the United Nations and
related intergovernmental organizations



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Chapter II

TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL 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 1972:²

<i>State</i>	<i>Date of receipt of instrument of accession³</i>
Barbados	10 January 1972d
Guyana	28 December 1972
Indonesia ⁴	8 March 1972

This brought up to 107 the number of States parties to this Convention.

2. AGREEMENTS RELATING TO MEETINGS AND INSTALLATIONS

(a) Agreement between the United Nations and the Republic of Austria regarding the Headquarters of the United Nations Industrial Development Organization. Signed at New York on 13 April 1967

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

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

³ The symbol "d" immediately following the date appearing opposite the name of a State denotes a declaration by that State recognizing itself bound, as from the date of its independence, by the Convention, the application of which had been extended to its territory by a State then responsible for the conduct of its foreign relations. The date shown is the date of receipt by the Secretary-General of the notification to that effect.

⁴ With the following reservations:

"Article 1 (b) section 1: The capacity of the United Nations to acquire and dispose of immovable property shall be exercised with due regard to national laws and regulations.

"Article VIII section 30: With regard to competence of the International Court of Justice in disputes concerning the interpretation or application of the Convention, the Government of Indonesia reserves the right to maintain that in every individual case the agreement of the parties to the dispute is required before the Court for a ruling."

The Government of the United Kingdom of Great Britain and Northern Ireland has notified the Secretary General "that they are unable to accept these reservations because, in their view, it is not of the kind which intending parties to the Convention have the right to make."

Supplemental Agreement to the above-mentioned Agreement, relating to the United Nations Industrial Development Commissary (with exchange of notes dated 2 March 1971 and 9 March 1972. ⁵ Vienna, 1 March 1972

The purpose of this Agreement is to implement the relevant provisions of Article XII, Section 27 (j) (iii) of the Agreement regarding the Headquarters of the United Nations Industrial Development Organization. ⁶

- (b) Agreement between the United Nations and Ethiopia regarding the arrangements for the meetings of the Security Council to be held at Addis Ababa from 28 January 1972 to 4 February 1972. ⁷ Signed at New York on 22 January 1972

Article I

Privileges and Immunities

1. The Convention on the Privileges and Immunities of the United Nations shall be applicable with respect to the meetings of the Security Council. Accordingly, the United Nations, Representatives of the Members of the United Nations present in connexion with the meetings of the Security Council, officials of the United Nations performing functions in connexion with those meetings, and experts on mission for the United Nations in connexion with those meetings shall enjoy the privileges and immunities provided in said Convention, respectively, for the United Nations, Representatives of Members, officials, and experts on mission for the United Nations.

2. Personnel provided by the Government under Section 4 of the Annex to this Agreement shall enjoy immunity from legal process in respect of any words spoken or written, or any act performed by them in their official capacity in connexion with the meetings.

3. Without prejudice to the preceding Sections of this Article, all other persons, including representatives of the information media, who are performing official functions in connexion with the meetings, or are invited by the United Nations to attend it, likewise shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the meetings.

Article II

Access and Exit

1. The unqualified right of unhindered entry into and exit from Ethiopia shall be observed by all the authorities concerned in respect of the following categories of persons: representatives of Members of the United Nations and their immediate families, officials

⁵ Came into force on 1 April 1972.

⁶ Reproduced in the *Juridical Yearbook*, 1967, p. 44. Article XII, Section 27 (j) provides that officials of the United Nations Industrial Development Organization as defined in Article I, Section 1 (h) of the Agreement shall have.

"The right to import for personal use, free of duty and other levies, prohibitions and restrictions on imports:

(iii) Limited quantities of certain articles for personal use or consumption and not for gift or sale; the UNIDO may establish a commissary for the sale of such articles to its officials and members of delegations; a Supplemental Agreement shall be concluded between the UNIDO and the Government to regulate the exercise of these rights."

⁷ Came into force on the date of signature.

and experts of the United Nations having official functions in connexion with the meetings and their immediate families, representatives of the press, or of radio, television, film or other information agencies accredited to the United Nations, and other persons officially invited to the meetings by the United Nations.

2. During the period of the meetings including any preparatory or final stage, the buildings, areas and premises referred to in Section 2 of the Annex to this Agreement shall be deemed to constitute United Nations premises under Section 3 of the Convention on the Privileges and Immunities to the United Nations, and entry thereto shall be subject to the authority and control of the United Nations.

3. The Government shall ensure that no impediment is imposed on transit by the persons mentioned in Section 1 of this Article to or from the United Nations premises, referred to in Section 2 of this Article and the residences referred to in Article V. They shall also be granted facilities for speedy travel.

4. Visas, entry and exit permits, where required, shall be granted free of charge, as speedily as possible and, not later than two days from the receipt of the application.

...

Article VII

Liability

The Government shall be responsible for dealing with any actions, claims or other demands arising out of (a) injury or damage to person or property in the premises referred to in Article V above; (b) injury or damage to person or property caused by, or incurred in using, the meeting facilities referred to in Article IV above; (c) the employment for the meetings of the personnel referred to in Article I, Section 2 above, and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands.

(c) Agreement between the United Nations and Austria relating to the seminar on human rights and scientific and technological developments to be held in Vienna, Austria, from 19 June to 1 July 1972 (with exchange of letters dated 16 and 22 March 1972).⁸ Signed at New York on 23 March 1972

This agreement contains articles similar to articles V and VI of an agreement between the United Nations and Yugoslavia, reproduced on p. 28 of the *Juridical Yearbook*, 1970.

This agreement is accompanied with an exchange of letters containing the following passage:

"...

"(3) The terms 'facilities for speedy travel' in Article V (4) shall be interpreted as encompassing exclusively the public means of transportation available in Austria. Entry permits will be granted free of charge only by the Austrian diplomatic and consular representatives abroad. The Austrian border authorities—and this includes the Vienna airport—are not in position to grant visas free of charge."

(d) Agreement between the United Nations and Turkey relating to the seminar on the status of women and family planning to be held in Istanbul, Turkey from 11 to 24 July 1972.⁹ Signed at Ankara on 21 March 1972 and at New York on 6 April 1972

⁸ Came into force on the date of signature.

⁹ Came into force on 6 April 1972.

This agreement contains articles similar to articles V and VI of the agreement between the United Nations and Yugoslavia referred to above under (c).

- (e) Exchange of letters constituting an Agreement between the United Nations and Romania regarding the Interregional Seminar on Mortality Analysis to be held in Mamaia, Romania, from 29 September to 3 October 1972.¹⁰ New York, 16 August 1972

This agreement contains articles similar to articles V and VI of the agreement between the United Nations and Yugoslavia referred to above under (c) except that the last part of paragraph 4 of Article V, from the words "as speedily as possible" does not appear.

- (f) Agreement between the United Nations and India concerning the organization of technical panels in the practical applications of space technology.¹¹ Signed at New York on 8 December 1972

This agreement contains articles similar to articles V and VI of the agreement between the United Nations and Yugoslavia referred to above under (c) except that a paragraph 3 reading as follows has been inserted in article V:

"3. Participants attending the Panel in pursuance of paragraph (a) of Article II of the Agreement shall enjoy the privileges and immunities of experts on mission under Article VI of the Convention on the Privileges and Immunities of the United Nations."

- (g) Agreement between the United Nations and Mexico concerning a joint United Nations/World Meteorological Organisation panel and training seminar on the use of meteorological satellite data to be held at Mexico City from 29 November to 8 December 1972.¹² Signed at New York of 24 November 1972

This agreement contains articles similar to articles V and VI of the agreement between the United Nations and Yugoslavia referred to above under (c) except that:

- (i) the first sentence of paragraph 1 of article V reads as follows:

"1. The Convention on the Privileges and Immunities of the United Nations which has been acceded to by Mexico shall be applicable in accordance with such accession to the panel/training seminar";

- (ii) the words "in accordance with the accession of Mexico" have been added at the end of paragraphs 1 and 2 of article V;

- (iii) a paragraph 3 reading as follows has been inserted in article V:

"3. Participants attending the panel/training seminar in pursuance of item (a) of Article II of the Agreement shall enjoy the privileges of experts on mission under Article VI of the Convention on the Privileges and Immunities of the United Nations in accordance with the accession of Mexico".

- (iv) in the last paragraph of article V, the words "without prejudice to the pertinent requisites of the Mexican migration laws", have been inserted before the words "Visas and entry permits" and the words "and, when application are made... from the receipt of the application" do not appear.

¹⁰ Came into force on 16 August 1972.

¹¹ Came into force on the date of signature.

¹² Came into force on the date of signature.

- (h) Agreement between the United Nations and Sweden concerning the Arrangements for the United Nations Conference on the Human Environment to be held at Stockholm from 5 to 16 June 1972.¹³ Signed at Geneva on 9 May 1972

This agreement contains articles similar to articles VI, VII and VIII of the agreement between the United Nations and Kenya reproduced on p. 19 of the *Juridical Yearbook*, 1971 except that:

(i) the last part of article VI from the words "except where it is agreed" has been omitted;

(ii) the second sentence of paragraph 1 of article VII appears at the end of the article, as paragraph 6;

(iii) the second sentence of paragraph 3 of article VII has been replaced by the following:

"It is understood, however, that local personnel provided by the Government under Article IV 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";

(iv) paragraph 5 of article VII reads as follows:

"The Swedish authorities shall impose no impediment to transit to and from the Conference of the following categories of persons invited by the United Nations to attend the Conference: representatives of Governments and their immediate families; observers of specialized agencies and intergovernmental organizations and their immediate families; officials and experts of the United Nations and their immediate families; observers of non-governmental organizations; representatives of the press or of other information media accredited by the United Nations at its discretion after consultation with the Government; and other persons whose presence at the Conference is authorized by the United Nations. Any visa required for such persons shall be granted promptly and without charge.";

(v) article VIII contains an additional paragraph reading as follows:

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

- (i) Memorandum of Understanding between the United Nations and the Government of the United Kingdom of Great Britain and Northern Ireland concerning arrangements for the Second United Nations Conference on the Standardization of Geographical Names.¹⁴ Signed at Geneva on 2 May 1972

This agreement contains articles similar to articles VII and VIII of the agreement between the United Nations and Kenya referred to under (h) above except that:

(i) the second sentence of paragraph 1 of the article on privileges and immunities reads as follows:

"Subject to the requirements of the police for the efficient discharge of their duties as specified in Article III above, the Conference premises and access thereto will be under the control and authority of the United Nations";

(ii) paragraphs 4 and 5 of that same article read as follows:

¹³ Came into force on the date of signature.

¹⁴ Came into force on the date of signature.

"4. Representatives of specialized agencies in respect of which the United Kingdom has undertaken to apply the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies will enjoy the privileges and immunities specified in that Convention. Representatives of other intergovernmental organizations invited to attend the Conference will enjoy such privileges and immunities as are specified in any agreement between the United Kingdom and the organization concerned, or in the absence of such agreement, such facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Conference.

"5. All persons enumerated in paragraphs 2, 3 and 4 of Article VII and all persons performing functions in connexion with the Conference who are not nationals of the United Kingdom shall be immune from immigration restrictions and alien registration. They shall be granted facilities for speedy travel. No charge shall be made for the issue, when required, of visas, entry or exit permits".

- (j) Agreement between the United Nations and Egypt relating to the continuation and further extension of the Interregional Centre for Demographic Research and Training established at Cairo by the Agreement between the above parties signed in New York on 8 February 1963 and in Cairo on 14 November 1968.¹⁵ Signed in New York on 22 June 1972

This agreement contains articles similar to articles VI and VII of the agreement between the same parties reproduced in the *Juridical Yearbook*, 1968, pp. 41-42.

- (k) Letter of Agreement between the United Nations Development Programme and Bahrain concerning the establishment of a UNDP sub-office in Manama. New York, 22 August 1972 and Manama, 7 September 1972

This Letter contains the following paragraph:

"(6) The Deputy Regional Representative and the UNDP office staff, being officials of the United Nations within the meaning of the Convention on the Privileges and Immunities of the United Nations shall be entitled to the appropriate privileges, immunities and facilities under Article V of the Agreement signed on 27 May 1972 by the Minister for Foreign Affairs of the State of Bahrain on behalf of the Government, and on 6 July 1972 by the Administrator of the United Nations Development Programme on behalf of the Participating Organizations".¹⁶

3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND: REVISED MODEL AGREEMENT CONCERNING THE ACTIVITIES OF UNICEF¹⁷

Article VI

Claims against UNICEF

[See *Juridical Yearbook*, 1965, pp. 31 and 32]

¹⁵ Came into force on the date of signature.

¹⁶ See Section 5 below.

¹⁷ Revised January 1968.

Article VII

Privileges and immunities

[See *Juridical Yearbook*, 1965, p. 32]

Basic agreements between UNICEF and the Governments of the United Arab Emirates, Lesotho, Tonga, Fiji and Swaziland concerning the activities of UNICEF.¹⁸ Signed respectively at Beirut on 22 March 1972 and Abu Dhabi on 25 March 1972, at Lusaka on 29 October 1971 and Maseru on 7 April 1972, at Nuku'alofa on 30 May 1972 and New York on 27 June 1972, at Suva on 2 October 1972, and at Mbabane on 21 November 1972 and Lusaka on 8 December 1972.

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

4. AGREEMENTS RELATING TO THE TECHNICAL ASSISTANCE SECTOR OF THE UNITED NATIONS DEVELOPMENT PROGRAMME: REVISED STANDARD AGREEMENT CONCERNING TECHNICAL ASSISTANCE¹⁹

Article I

Furnishing of technical assistance

...

6... [See *Juridical Yearbook*, 1967, p. 73]

Article V

Facilities, privileges and immunities

[See *Juridical Yearbook*, 1963, pp. 27 and 28]

Revised standard agreements on technical assistance between the United Nations (including UNIDO and UNCTAD), ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO, and the Governments of Tonga,²⁰ Bahrain,²¹ the People's Republic of Bangladesh,²² Oman²³ and the United Arab Emirates.²⁴ Signed, respectively, at Nuku'alofa on 22 April 1971, at Manama on 27 May 1972 and New York on 6 July 1972, at Dacca on 12 July 1972 and New York on 31 July 1972, at New York on 11 September 1972 and at New York on 12 September 1972.

These agreements contain articles similar to articles I, paragraph 6, and V of the revised standard agreement.

¹⁸ Came into force respectively on 25 March 1972, 7 April 1972, 27 June 1972, 2 October 1972 and 8 December 1972.

¹⁹ United Nations Development Programme, *Field Manual*, Edition II (document DP/4), Section IX-C (July 1969).

²⁰ Came into force on 22 April 1971 with effect from 7 January 1972, the date when Tonga became a member of one of the specialized agencies of the United Nations.

²¹ Came into force on 6 July 1972.

²² Came into force on 31 July 1972.

²³ Came into force on 11 September 1972.

²⁴ Came into force on 12 September 1972.

5. AGREEMENTS RELATING TO THE SPECIAL FUND SECTOR OF THE UNITED NATIONS DEVELOPMENT PROGRAMME: STANDARD AGREEMENT CONCERNING ASSISTANCE FROM THE UNITED NATIONS DEVELOPMENT PROGRAMME (SPECIAL FUND)²⁵

Article VIII

Facilities, privileges and immunities

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

Article X

General provisions

...

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

Agreements concerning assistance from the United Nations Development Programme (Special Fund) between the United Nations Development Programme (Special Fund) and the Governments of Tonga,²⁶ Bahrain,²⁷ the People's Republic of Bangladesh,²⁸ Oman²⁹ and the United Arab Emirates.³⁰ Signed, respectively, at Nuku'alofa on 22 April 1971, at Manama on 27 May 1972 and New York on 6 July 1972, at Dacca on 12 July 1972 and New York on 31 July 1972, at New York on 11 September 1972 and at New York on 12 September 1972

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

6. AGREEMENTS RELATING TO OPERATIONAL ASSISTANCE:
STANDARD AGREEMENT ON OPERATIONAL ASSISTANCE³¹

Article II

Functions of the officers

...

3. [See *Juridical Yearbook*, 1965, p. 37]

Article IV

Obligations of the Government

...

5. [See *Juridical Yearbook*, 1965, pp. 37 and 38]

²⁵ United Nations Development Programme, *Field Manual*, Edition II, document DP/4, Section IX-C (July 1969).

²⁶ Came into force on 22 April 1971, with effect from 7 January 1972, the date when Tonga became a member of one of the specialized agencies of the United Nations.

²⁷ Came into force on 6 July 1972.

²⁸ Came into force on 31 July 1972.

²⁹ Came into force on 11 September 1972.

³⁰ Came into force on 12 September 1972.

³¹ United Nations Development Programme, *Field Manual*, Edition II, document DP/4, Section IX-C (July 1969).

6. [See *Juridical Yearbook*, 1968, pp. 46 and 47]

- (a) Standard agreements on operational assistance between the United Nations (including UNIDO and UNCTAD), ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU, IMCO and IBRD, and the Governments of the Central African Republic, Bahrain, the People's Republic of Bangladesh, Mauritania, Oman and the United Arab Emirates.³² Signed, respectively, at Bangui on 13 January 1972, at Manama on 27 May 1972 and New York on 6 July 1972, at Dacca on 12 July 1972 and New York on 31 July 1972, at Nouakchott on 11 August 1972, at New York on 11 September 1972 and at New York on 12 September 1972

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

- (b) Agreements in the form of exchange of letters³³ relating respectively to the Standard Agreements on operational assistance between the United Nations, ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO, and the Governments of Ecuador,³⁴ Sierra Leone³⁵ and Uganda.³⁶ Quito, 12 November 1971 and New York, 10 February 1972, Freetown, 8 March 1972 and New York, 5 April 1972, Kampala 17 April 1972 and New York, 9 May 1972

By these agreements, the Bank has been added among the organizations participating in the respective Standard Agreements.

7. AGREEMENTS CONCERNING ASSISTANCE FROM THE WORLD FOOD PROGRAMME

- (a) Basic agreements concerning assistance from the World Food Programme between the United Nations and the Food and Agriculture Organization of the United Nations, on behalf of the World Food Programme (WFP), and the Governments of Sierra Leone, Sudan, Cameroon, Malawi, Mali, Paraguay, the Republic of Korea, Malaysia, Togo, Indonesia, Peru, Niger, Madagascar, Trinidad and Tobago, Botswana, India, Pakistan, Barbados, Jamaica, Morocco, Congo, Malta, Burundi, Chad, Haiti, Central African Republic, Lebanon, People's Democratic Republic of Yemen, Senegal, Syrian Arab Republic, Equatorial Guinea, Ecuador, Mauritius, Afghanistan, Nigeria, Gambia, Swaziland, Venezuela, Guyana, El Salvador, Netherlands (on behalf of the Netherlands Antilles) and Nicaragua.³⁷ Signed, respectively, at Freetown

³² Came into force respectively on 13 January 1972, 6 July 1972, 31 July 1972, 11 August 1972, 11 September 1972 and 12 September 1972.

³³ Came into force, respectively, on 10 February 1972, 5 April 1972, and 9 May 1972.

³⁴ See *Juridical Yearbook*, 1971, p. 22.

³⁵ *Ibid.*, 1964, p. 34.

³⁶ *Ibid.*, 1967, p. 77.

³⁷ Came into force on the respective dates of signature, except for the agreements with Paraguay, the Republic of Korea, Trinidad and Tobago, El Salvador and the Netherlands, which came into force respectively, on 10 March 1969, 15 July 1969, 20 January 1969, 2 February 1972 and 1 February 1972.

on 13 February 1968, at Khartoum on 26 February 1968, at Yaoundé on 3 April 1968, at Zomba on 8 April 1968, at Bamako on 13 April 1968, at Asunción on 15 April 1968, at Seoul on 3 May 1968, at Kuala Lumpur on 10 May 1968, at Lomé on 25 May 1968, at Djakarta on 28 May 1968, at Lima on 13 June 1968, at Niamey on 21 June 1968, at Tananarive on 3 July 1968, at Port of Spain on 12 July 1968, at Gaberones on 15 July 1968, at New Delhi on 16 July 1968, at Karachi on 19 July 1968 and Islamabad on 25 July 1968, at Bridgetown on 3 September 1968, at Kingston on 10 and 13 September 1968, at Rabat on 16 September 1968, at Brazzaville on 26 September 1968, at Colombo on 10 November 1968, at La Valette on 25 November 1968, at Bujumbura on 27 November 1968, at Fort-Lamy on 13 December 1968, at Port au Prince on 10 January 1969, at Bangui on 13 January 1969, at Beirut on 12 February 1969, at Aden on 4 March 1969, at Dakar on 21 April 1969, at Damas on 5 May 1969, at Santa Isabel on 18 June 1969, at Quito on 21 August 1969, at Tananarive on 15 and 25 August 1969, at Apia on 1 September 1969, at Kaboul on 2 October 1969, at Bathurst on 13 June 1969, at Mbabane on 1 July 1970, at Caracas on 23 July 1970, at Georgetown on 13 August 1970, at San Salvador on 12 July 1971, at Rome on 13 August 1971 and at Managua on 24 August 1971

These agreements contain provisions similar to those reproduced on p. 23 of the *Juridical Yearbook*, 1971.

- (b) Basic agreement concerning assistance from the World Food Programme between the United Nations and the Food and Agriculture Organization of the United Nations, on behalf of the World Food Programme (WFP), and the Government of Bolivia.³⁸ Signed at La Paz on 14 March 1968

This agreement contains provisions similar to those reproduced on p. 23 of the *Juridical Yearbook*, 1971. It is accompanied with the following annex:

"In order to clarify the contents of article V, paragraph 1, of the Basic Agreement of which this annex is an integral part, it is hereby stated that that paragraph shall not mean that the Government of Bolivia shall afford personnel of the World Food Programme and persons rendering services on its behalf privileges or immunities, but merely that it shall grant certain facilities which are required for the speedy and efficient execution of projects.

"To facilitate the interpretation of the relevant paragraph, certain examples are given below:

- (i) Prompt and free issuance of the requisite visas, permits and authorizations;
- (ii) Access to sites where projects are being executed and all the necessary rights;
- (iii) Right to move freely within the national territory and to enter or leave it to the extent necessary for the proper execution of projects;
- (iv) Favourable rate of exchange in the absence of a free market."

- (c) Basic agreement concerning assistance from the World Food Programme between the United Nations and the Food and Agriculture Organization of the United Nations, on behalf of the World Food Programme (WFP), and the Government of Mexico.³⁹ Signed at Mexico City, D.F. on 8 July 1971

³⁸ Came into force on the date of signature.

³⁹ Came into force on the date of signature.

This agreement contains provisions similar to those reproduced on p. 23 of the *Juridical Yearbook*, 1971 except that

(i) paragraph 1 reads as follows:

"The Government shall apply the provisions of the Convention on the Privileges and Immunities of the United Nations, as approved by the Chamber of Deputies of the United Mexican States, pursuant to the Presidential Decree of 13 February 1962 and published in the *Diario Oficial* of 16 February of the same year, to the officials and consultants of the World Food Programme and to their properties, funds and assets."

(ii) paragraph 2 reads as follows:

"The Government shall afford to officials and consultants of the World Food Programme whatever technical and administrative facilities are required in the prompt and efficient execution of the projects."

- (d) Basic agreement concerning assistance from the World Food Programme between the United Nations and the Food and Agriculture Organization of the United Nations, on behalf of the World Food Programme (WFP), and the Government of Colombia.⁴⁰ Signed at Bogotá on 29 April 1969

This agreement contains an article reading as follows:

Article V

"Facilities, privileges and immunities"

"1. The Government shall afford to officials and consultants of the World Food Programme and to other persons performing services on behalf of the Programme such facilities as are afforded to those of the United Nations and specialized agencies.

"2. The Government shall grant all the privileges and immunities set forth in the Convention on Privileges and Immunities adopted by the United Nations General Assembly on 13 February 1946. The Resident Representative of the United Nations Development Programme, in his capacity as Official Representative of the World Food Programme in Colombia, and all the officials of the World Food Programme Project who are duly accredited to the Government of Colombia, except those who are of Colombian nationality, shall enjoy the same privileges as the accredited diplomatic corps in respect of the importation, free of duty and of any other charges, of articles required for their personal use.

"3. In cases of *force majeure*, the World Food Programme may purchase materials, equipment and any other articles on the Colombian market exempt from direct taxes as provided in the Convention on the Privileges and Immunities of the United Nations mentioned in paragraph 2.

"4. The Government shall ensure implementation of the provisions of the agreements between the Government and the World Food Programme relating to each project under which the Government shall provide the staff, premises, equipment, services and transport and defray the expenses of the food aid projects.

"5. The officials of the World Food Programme, other than those of Colombian nationality, shall be exempt from all taxes payable in Colombia, whether the tax or charge is levied by the Government or by other Colombian public bodies or departments.

"6. The staff employed in the Office of the World Food Programme in Colombia may be recruited by the World Food Programme in accordance with the relevant United Nations staff rules and regulations, in which case they shall enjoy the same rights and privileges as

⁴⁰ Came into force on the date of signature.

United Nations staff connected with such employment, including social security, but on the understanding that the relevant provisions are at least equal to those governing such matters in Colombia.

"7. The Government shall be responsible for dealing with any claims which may be brought by third parties against the World Food Programme or against its officials or consultants or other persons performing services on behalf of the World Food Programme under this Agreement and shall hold the World Food Programme and the above-mentioned persons harmless in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Government and the World Food Programme that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.

"8. The Office of the World Food Programme shall enjoy in respect of its communications sent through the national postal and telegraph systems the same treatment as that accorded to other United Nations bodies."

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

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT AMENDING PARAGRAPH 38 OF THE ABOVE-MENTIONED AGREEMENT.⁴¹ NICOSIA, 17 APRIL 1972

I

H.Q. UNFICYP
Nicosia
17 April 1972

Sir,

I have the honour to refer to the exchange of letters between the Secretary-General of the United Nations and the Minister of Foreign Affairs of the Republic of Cyprus, dated 31 March 1964, constituting an agreement between the United Nations and the Government of the Republic of Cyprus concerning the status of the United Nations Peace-keeping Force in Cyprus⁴² and in particular to the provisions of paragraph 38 of the agreement concerning the settlement of disputes or claims.

For the purpose of facilitating the settlement of disputes arising out of traffic accidents in which vehicles belonging to or being used on behalf of either the Republic of Cyprus or the United Nations are involved, I propose that paragraph 38 of the agreement be amended as follows:

1. In subparagraph (a) amend the words "... in subparagraphs (b) and (c) following." to read "... in subparagraph (b), (c), and (d) following."
2. In subparagraph (b) insert the words "Except as otherwise provided in paragraph (c) below," before the words "any claim made by".
3. After subparagraph (b) insert a new subparagraph (c) to read as follows:

⁴¹ Came into force on 17 April 1972 with retroactive effect from 31 March 1964.

⁴² Reproduced in the *Juridical Yearbook*, 1964, p. 40.

"Any claim made by the Force or the Government against each other arising out of any traffic accident occurring between vehicles belonging to or hired by the Republic of Cyprus used officially at the time of accident and vehicles belonging to or hired by the Force or any of its national contingents used officially at the time of accident, shall be considered as non-existent."

4. Renumber subparagraph (c) as subparagraph (d).

I further propose that paragraph 38, as amended and incorporated into the agreement, have effect retroactively from 31 March 1964 as if it had been communicated to Your Excellency in my letter of 31 March 1964.

Upon acceptance by your Government of this proposal, this letter and your reply shall be considered as constituting an agreement between the United Nations and the Republic of Cyprus amending the agreement of 31 March 1964.

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

B. F. OSORIO-TAFALL

Special Representative for the Secretary-General

His Excellency
Mr. Spyros Kyprianou
Minister of Foreign Affairs
Republic of Cyprus

II

Nicosia
17 April 1972

Sir,

I have the honour to refer to your letter dated 17th April 1972, in which you propose to amend paragraph 38 of the agreement dated 31 March, 1964, between the United Nations and the Government of Cyprus concerning the status of the United Nations Peace-Keeping Force in Cyprus to include provisions for the settlement of disputes arising out of traffic accidents between vehicles belonging to or hired by either the United Nations or the Government of Cyprus officially used at the time of the accident.

In reply I wish to inform you that the Government of the Republic of Cyprus agrees that your letter and this reply be considered as constituting an agreement between the United Nations and Cyprus provided that the relevant legislation will be enacted. Pending such enactment the Government of the Republic of Cyprus undertakes to apply provisionally the provisions of paragraph 38 of the agreement as amended and to exert every effort in order to ensure that the said enactment is effected as early as possible.

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

SPYROS KYPRIANOU
Minister of Foreign Affairs

His Excellency
Mr. B. F. Osorio-Tafall,
Special Representative for the
Secretary-General
UNFICYP Headquarters
Nicosia

B. Treaty provisions concerning the legal status of intergovernmental organizations related to the United Nations

1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES.⁴³ APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

In 1972, 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:⁴⁴

<i>State</i>		<i>Date of receipt of instrument of accession or ratification</i>	<i>Specialized agencies</i>
Cuba ⁴⁵	Accession	13 Septembre 1972	FAO, ILO, UNESCO, WMO, IMCO, UPU, ICAO, ITU, WHO
Fiji ⁴⁶	Notification of succession	21 June 1971	WHO—second revised text of Annex VII, ICAO, ILO, IMCO—Revised text of Annex XII, FAO, UNESCO, UPU, ITU, WMO
Indonesia ⁴⁷	Accession	8 March 1972	WHO, ICAO, ILO, FAO, UNESCO, Bank, Fund, UPU, ITU, WMO, IMCO, IFC, IDA

⁴³ United Nations, *Treaty Series*, vol. 33, p. 261.

⁴⁴ 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.

⁴⁵ With the following reservation:

"The Revolutionary Government of Cuba does not consider itself bound by the provisions of sections 24 and 32 of the Convention, under which the International Court of Justice has compulsory jurisdiction in disputes arising out of the interpretation or application of the Convention. Concerning the competence of the International Court of Justice in such disputes, Cuba takes the position that for any dispute to be referred to the International Court of Justice for settlement, the agreement of all parties involved in the dispute must be obtained in each individual case. This reservation also applies to the provision of section 32 requiring the parties concerned to accept the advisory opinion of the International Court of Justice as decisive."

The Government of the United Kingdom of Great Britain and Northern Ireland has notified the Secretary-General that it is unable to accept this reservation because in its view it is not of the kind which intending parties to the Convention have the right to make.

⁴⁶ A notification of succession by the Government of Fiji to the Convention was received on 21 June 1971. Subsequently, the Government of Fiji indicated that the said succession entailed the continued application of the Convention in respect of the specialized agencies referred to above which had been previously designated by the Government of the United Kingdom, then responsible for the international relations of Fiji.

⁴⁷ With the following reservations:

"(1) Article II(b) section 3: The capacity of the specialized agencies to acquire and dispose of immovable property shall be exercised with due regard to national laws and regulations.

"(2) Article IX section 32: With regard to the competence of the International Court of Justice in disputes concerning the interpretation or application of the Convention, the Government of Indonesia reserves the right to maintain that in every individual case the agreement of the parties to the dispute is required before the Court for a ruling."

The Government of the United Kingdom of Great Britain and Northern Ireland has notified the Secretary-General that it is unable to accept the second of these reservations because in its view it is not of the kind which intending parties to the Convention have the right to make.

As of 31 December 1972, 77 States were parties to the Convention.

2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

(a) Agreements based on the standard "Memorandum of Responsibilities" in respect of FAO sessions

Agreements were concluded in 1972 by FAO and the Governments of Antigua, ⁴⁹ Argentina, Brazil, Chad, Ecuador, ⁴⁹ Finland, Gabon, Hungary, India, Iran, Israel, Italy, Jordan, Kenya, Korea (Republic of), Kuwait, Netherlands, ⁴⁹ Norway, Thailand, ⁴⁹ Trinidad and Tobago, United Kingdom. ⁴⁹

These agreements contained provisions for specific sessions in these countries similar to the following standard text:

MEMORANDUM OF RESPONSIBILITIES TO BE ASSUMED BY FAO AND THE HOST GOVERNMENT

Part. II. Responsibilities of the Host Government in regard to privileges and immunities for FAO and participants

The Host Government undertakes to:

. . .

9. Accord for the purposes of the Session, to delegates and observers, and to FAO, its property, funds and assets, as well as to FAO staff, all the privileges and immunities provided for in Article VIII, paragraph 4, and Article XVI, paragraph 2 of the Constitution and Rule XXXI-4 of the General Rules of the Organization, and specified in the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies.

10. Grant visas and all necessary facilities to delegates, observers and consultants attending the Session.

⁴⁸ With the following reservation:

"The Union of Soviet Socialist Republics does not consider itself bound by the provisions of sections 24 and 32 of the Convention, concerning the compulsory jurisdiction of the International Court of Justice. Concerning the jurisdiction of the International Court of Justice in disputes arising out of the interpretation or application of the Convention, the USSR will maintain the same position as hitherto, namely, that for any dispute to be referred to the International Court of Justice for settlement, the agreement of all Parties involved in the dispute must be obtained in each individual case. This reservation similarly applies to the provision contained in section 32, stipulating that the advisory opinion of the International Court of Justice shall be accepted as decisive."

The Government of the United Kingdom of Great Britain and Northern Ireland has notified the Secretary-General that it is unable to accept this reservation because in its view it is not of the kind which intending parties to the Convention have the right to make.

⁴⁹ Certain exceptions from or modifications of the standard text were made at the request of the Host Government.

11. Hold FAO and its staff harmless in respect of any delegates and observers or by other third parties arising out of the Session, except where it is agreed by the Host Government and FAO that the claim arises from gross negligence or wilful misconduct of such staff.

(b) Agreements based on the standard "Memorandum of Responsibilities" in respect of group seminars, training courses or workshops

Agreements were concluded in 1972 by FAO and the Governments of Argentina, Chile, Costa Rica, Egypt, India, Jamaica, Kenya, Malaysia, Nigeria, Norway, Peru, Thailand,⁵⁰ Uganda and Uruguay.

These agreements contained provisions for specific training courses etc. in these countries similar to the following standard text:

MEMORANDUM OF RESPONSIBILITIES TO BE ASSUMED
BY FAO AND THE HOST GOVERNMENT

*Part II. Responsibilities of the Host Government in regard to privileges
and immunities for FAO and participants*

The Host Government undertakes to:

14. Accord for the purpose of the training course, to FAO, its property, funds and assets as well as to FAO staff and experts, all the privileges and immunities specified in the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies.

15. Grant visas and all necessary facilities to participants lecturers, experts and consultants attending the training course.

16. Hold FAO and its staff harmless in respect of any claims by participants or by other third parties arising out of the training course, except where it is agreed by the Host Government and FAO that the claim arises from gross negligence or wilful misconduct of such staff.

(c) Exchange of letters between the Government of Sweden and the Food and Agriculture Organization of the United Nations regarding training centres and seminars to be held in 1972 in Sweden

I

Royal Ministry for
Foreign Affairs
4 February 1972

Sir,

With reference to your letter of December 30, 1971, regarding the training centres and seminars to be held in 1972 in Sweden, jointly by the Food and Agriculture Organization of the United Nations and the Swedish International Development Authority (SIDA), I have the honour to confirm that the Government of Sweden will apply, in respect of these training centres and seminars, the provisions of the Convention on the Privileges and

⁵⁰ Host Government did not assume the responsibility set out in paragraph 16 of the standard text.

Immunities of the Specialized Agencies and of Annex II thereto relating to FAO, to which it has been a party since 12th September 1951, and that it will impose no impediment to transit to and from these training centres and seminars of any persons entitled to attend them, and will grant any visa required for such persons promptly.

I hope that the above will meet your main requirements, and I would suggest that any further questions concerning the arrangements for these meetings be dealt with through the representatives of SIDA or Sweden in Rome.

Accept, Sir, etc.

For the Minister

L. KELLBERG

Head of the Legal Department

Mr. A.H. Boerma
Director-General
Food and Agriculture Organization
of the United Nations
Rome
Italy

II

Food and Agriculture Organization
of the United Nations

3 March 1972

Sir,

I have the honour to refer to a letter sent to me in your name on 4 February 1972, by Mr. L. Kellberg, Head of the Legal Department of your Ministry, regarding the training centres and seminars to be held in 1972 in Sweden jointly by the Swedish International Development Authority (SIDA) and this Organization.

I wish to thank you for this prompt reply, and have the pleasure to confirm that the application by the Government of Sweden in respect of these activities of the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and of Annex II thereto relating to FAO, and its undertaking not to impose any impediment to transit to and from these training centres and seminars of any persons entitled to attend them, and to promptly grant all visas required for such persons, meets the requirements of this Organization.

I trust that this understanding can be extended in future years by a mere exchange of cables between us.

I have noted that any further questions concerning arrangements for the meetings mentioned above should be raised directly with the representatives of SIDA or of your Government in Rome.

Accept, Sir, etc.

A. H. BOERMA
Director-General

H.E. The Minister of Foreign Affairs
Ministry of Foreign Affairs
Stockholm.
Sweden.

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

- (a) Agreement between the Government of the Socialist Republic of Romania and the United Nations Educational, Scientific and Cultural Organization regarding the European Centre for Higher Education.⁵¹ Signed at Bucharest on 12 June 1972 and at Paris on 4 July 1972.

Considering that the United Nations Educational, Scientific and Cultural Organization has decided to establish a European Centre for Higher Education (hereinafter called "the Centre"), whose Headquarters has been fixed at Bucharest in the Socialist Republic of Romania,

Taking into account the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947,

Desiring to regulate, by this Agreement, all questions relating to the establishment of the Headquarters of the Centre at Bucharest and consequently to define the privileges and immunities of this Centre in Romania,

The Government of the Socialist Republic of Romania, represented by Mr. Corneliu Mănescu, Minister for Foreign Affairs and

The United Nations Educational, Scientific and Cultural Organization (hereinafter called "the Organization"). Represented by Mr. René Maheu, Director-General,

Have agreed as follows:

Article 1

Legal personality of the Organization

The Government of the Socialist Republic of Romania recognizes the legal personality of the Organization and its capacity:

- (a) to contract;
- (b) to acquire and dispose of movable and immovable property;
- (c) to be party to judicial proceedings.

Article 2

Headquarters of the Centre

1. The Headquarters of the Centre shall be under the authority and control of the Organization.

2. The Organization shall have the right to make internal regulations applicable throughout the Headquarters of the Centre in order to enable it to carry out its work.

3. Subject to the provisions of the preceding paragraph, the laws and regulations of the Government of the Socialist Republic of Romania shall apply at the Headquarters of the Centre.

4. The Headquarters of the Centre shall be inviolable. Agents and officials of the Government of the Socialist Republic of Romania shall not enter the Headquarters to

⁵¹ Came into force on 4 July 1972.

discharge any official duty save with consent or at the request of the Director-General and in accordance with conditions approved by him.

5. The execution of legal process, including the seizure of private property, may take place in the Headquarters of the Centre only with the consent of and under conditions approved by the Director-General.

6. Without prejudice to the terms of this Agreement, the Organization shall not permit the Headquarters of the Centre to become a refuge from justice for persons against whom a penal judgement has been made or who are pursued *flagrante delicto* or against whom a warrant of arrest or a deportation order has been issued by the competent authorities of the Government of the Socialist Republic of Romania.

7. The Government of the Socialist Republic of Romania undertakes to protect the Headquarters of the Centre and to maintain order in its immediate vicinity.

8. The competent Romanian authorities shall endeavour, within the limits of their powers, on equitable terms, and in accordance with requests made by the Director-General of the Organization, to provide the public services needed by the Centre, such as postal, telephone and telegraph service, electricity, water and gas supplies, public transport, drainage, collection of refuse, fire protection and snow removal.

9. Subject to the provisions of article 4, paragraph 1, the Centre shall be granted, in respect of tariffs charged for public services supplied by the Government of the Socialist Republic of Romania or public bodies under its control, such reductions as are granted to the national administrative services. In case of *force majeure* involving a partial or total suspension of public services, the Centre shall receive, for its requirements, priority equal to that received by the national administrative services.

Article 3

Access to the Headquarters of the Centre

1. The competent Romania authorities shall not impede the transit to or from the Headquarters of the Centre of any persons having official duty at the Headquarters or invited there by the Organization.

2. For this purpose the Government of the Socialist Republic of Romania undertakes to authorize, without charge for visas and without delay, the entry into and residence in its territory of the following persons for the term of their duty or mission with the Centre:

(a) Representatives of Member States, including alternates, advisers, experts and secretaries, at conferences and meetings convened at the Headquarters of the Centre;

(b) Members of any advisory committee established by the Director-General at the Centre;

(c) Officials and experts of the Organization and their families;

(d) Officials and experts of the Centre and their families and other dependants;

(e) Persons who without being officials of the Organization, are undertaking missions with the Centre and their spouses and dependent children;

(f) Any other persons invited to the Headquarters of the Centre on official business.

3. Without prejudice to any special immunities which they may enjoy, the persons mentioned in paragraph 2 may not, during the whole period in which they are performing their duties or missions, be compelled by the Romanian authorities to leave the territory of the Socialist Republic of Romania, save where they have abused the privileges accorded to them in respect of their visits by carrying out activities unconnected with their duties or missions with the Organization and subject to the following provisions.

4. No measures for the expulsion from the territory of the Socialist Republic of Romania of the persons mentioned in paragraph 2 may be taken without the approval of the Minister for Foreign Affairs. Before giving his approval, the Minister for Foreign Affairs shall consult the Director-General of the Organization.

5. Persons who enjoy diplomatic privileges and immunities by virtue of this Agreement may not be required to leave the territory of the Socialist Republic of Romania save in accordance with the procedure customarily applicable to diplomats accredited to the Government of the Socialist Republic of Romania.

6. It is understood that the persons referred to in paragraph 2 are not exempt from any reasonable application of the rules governing quarantine and public health.

Article 4

Arrangements for communication

1. In so far as is compatible with any international conventions, regulations and arrangements to which it is party, the Government of the Socialist Republic of Romania shall grant to the Centre for communication by post, telephone, telegraph, radio-telephone, radio-telegraph and radio-photo-telegraph, terms at least as favourable as those granted by it to other governments, including diplomatic missions, as regards priorities, tariffs and taxes on mail, cablegrams, telegrams, radio-telegrams, photo-telegrams, telephone calls and other communications and also as regards charges payable for press and radio communications.

2. The official correspondence of the Organization shall be inviolable.

3. The official statements of the Organization shall not be subject to censorship. This immunity extends to publications, films, negatives, photographs, and visual and sound recordings addressed to or dispatched by the Centre, and also material displayed at exhibitions which it may organize.

4. The Centre may make use of codes and may dispatch and receive correspondence by courier or pouch. Courier and pouch services shall be accorded the same privileges and immunities as diplomatic couriers and pouches.

Article 5

Property, funds and assets

1. The Organization, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except in so far as in any particular case the Organization has expressly waived immunity. It is, however, understood that no waiver shall extend to any measure of execution.

2. The property and assets of the Centre, wherever located and by whomsoever held, shall be immune from search, confiscation, requisition, expropriation or any other form of constraint, whether executive, administrative or legislative.

3. The archives of the Organization and, in general, all documents belonging to or held by it shall be inviolable wherever they are located.

4. The Organization, its assets, income and other property shall be exempt from all direct taxation. The Organization shall, however, pay taxes charged for services rendered.

5. The Organization shall be exempt:

(a) From all duty and taxes, other than taxes for services rendered, collected by the Government of the Socialist Republic of Romania, and from all prohibitions and restrictions

on imports and exports in respect of articles imported or exported by it for official use. It is understood, however, that articles imported free of duty may not be sold in Romanian territory, except on terms approved by the Government of the Socialist Republic of Romania;

(b) From all duty and taxes, except taxes payable for services rendered, collected by the Government of the Socialist Republic of Romania and from all prohibitions and restrictions on imports and exports in respect of publications, cinematograph films, photographic slides and documents which the Organization may import or publish in the course of its official activities.

6. The Organization shall pay under general laws and regulations, indirect taxes which form part of the cost of goods sold or services rendered. Nevertheless, indirect taxes paid in connexion with purchases or operations effected by the Organization for official use may be reimbursed under a lump-sum arrangement to be mutually agreed upon between the Organization and the Government of the Socialist Republic of Romania.

7. The Organization may, without being subject to any financial controls, regulations or moratoria:

(a) Receive and hold funds and foreign exchange of all kinds and operate accounts in all currencies;

(b) Freely transfer its funds and foreign exchange within Romanian territory and from the Socialist Republic of Romania to another country and vice versa.

8. The competent Romanian authorities shall grant all facilities and assistance to the Organization with a view to obtaining the most favourable conditions for all transfers and exchanges. Special arrangements to be made between the Government of the Socialist Republic of Romania and the Organization shall regulate, if necessary, the application of this article.

9. In exercising its rights under this article, the Organization shall take account of all representation made by the Government of the Socialist Republic of Romania in so far as it considers that these can be complied with without prejudice to its own interests.

Article 6

Diplomatic facilities, privileges and immunities

1. Representatives of Member States of the Organization at conferences and meetings called by it at the Headquarters of the Centre and members of any advisory committee established by the Director-General at the Centre shall enjoy, during their stay in Romania on official duty, such facilities, privileges and immunities as are accorded to diplomats of equal rank belonging to foreign diplomatic missions accredited to the Government of the Socialist Republic of Romania.

2. Without prejudice to the provisions of article 7, paragraphs 1 and 3, the Director-General and Deputy Director-General of the Organization shall, during their stay at the Headquarters of the Centre, have the status accorded to the heads of foreign diplomatic missions accredited to the Government of the Socialist Republic of Romania.

3. Without prejudice to the provisions of article 7, paragraphs 1 and 3, the Director of the Centre and the officials of the Centre of grade P-5 and over their spouses and dependent children, shall be accorded during their residence in Romania the privileges, immunities and facilities and other courtesies accorded to members of foreign diplomatic missions accredited to the Government of the Socialist Republic of Romania.

4. The Organization shall, in due course, communicate to the Government of the Socialist Republic of Romania the names of the persons mentioned in paragraph 3 of this article.

5. The immunities provided for in paragraphs 1, 2 and 3 of this article are accorded in the interests of the Organization and not for the personal benefit of the individuals themselves. The immunities may be waived by the Government of the State concerned in respect of its representatives and their families in respect of the members of any advisory committee established by him and by the Executive Board in respect of the Director-General and by the Director-General in respect of the other officials of the Organization mentioned in paragraph 3 and their families.

Article 7

Officials and experts

1. Officials of UNESCO assigned to the Centre and other officials of UNESCO on official mission with the Centre:

(a) Shall be immune from legal process in respect of all activities performed by them in their official capacity (including words spoken or written);

(b) Shall be exempt from all direct taxation on salaries and emoluments paid to them by the Organization;

(c) Subject to the provisions of paragraph 2 of this article, shall be exempt from all military service and from all other compulsory service in Romania;

(d) Shall, together with their spouses and dependent members of their families, be exempt from immigration restrictions and registration provisions relating to foreigners;

(e) Shall, with regard to foreign exchange, be granted the same facilities as are granted to members of diplomatic missions accredited to the Government of the Socialist Republic of Romania;

(f) Shall, together with their spouses and dependent members of their families, be accorded the same facilities for repatriation as are granted to members of diplomatic missions accredited to the Government of the Socialist Republic of Romania, in time of international crisis;

(g) Shall, provided they formerly resided abroad, be granted the right to import free of duty their furniture and personal effects at the time of their establishment in Romania;

(h) May import motor-cars free of duty;

(i) May import, on conditions to be determined between the Organization and the Government of the Socialist Republic of Romania, certain property, effects and household equipment, intended for their personal use. The definition of the property, effects and equipment, and the conditions of their re-sale in the territory of the Socialist Republic of Romania shall be subject to the provisions of Romanian regulations concerning the matter.

2. Romanian officials of the Centre are not exempt from military service or any other compulsory service in Romania. Nevertheless, those whose names have, by reason of their duties, been placed upon a list compiled by the Director-General of the Organization and approved by the competent Romanian authorities, may, in case of mobilization, be assigned to special duties in accordance with Romanian law. These authorities shall, on the request of the Organization and in case of a call up for national service applicable to other officials of Romanian nationality, grant such temporary deferments as may be necessary to avoid the interruption of essential work.

3. Privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-General shall agree to waive the immunity granted to an official in any case in which he considers that

such immunity would impede the course of justice and could be waived without prejudice to the interests of the Organization.

4. While performing their functions or engaged on mission on behalf of the Centre, experts other than the officials mentioned in paragraph 1 above shall, in so far as is necessary for the effective discharge of their functions, and also during journeys made in the course of duty or for the period of their missions, be granted the under-mentioned privileges and immunities:

(a) Immunity from personal arrest and seizure of personal luggage;

(b) Immunity from judicial process in respect of all acts done by them in the performance of their official functions (including words spoken or written). Such immunity shall continue notwithstanding that the persons concerned are no longer performing official functions for the Organization or on mission on its behalf;

(c) The same facilities concerning the regulation of foreign exchange as those accorded to officials of foreign Governments on temporary official mission.

5. The Director-General of the Organization shall agree to waive the immunity of an expert in any case in which he considers that this can be done without damage to the interests of the Organization.

6. The Organization shall constantly co-operate with the competent Romanian authorities in order to facilitate the proper administration of justice, ensure the due carrying out of police regulations and avoid any possible abuse arising out of the exercise of the immunities and facilities provided for in this Agreement.

7. The Organization shall communicate to the Romanian authorities the names of the persons to whom this article applies.

Article 8

Laissez-passer

United Nations *laissez-passer* held by officials of the Organization shall be recognized and accepted by the Government of the Socialist Republic of Romania as travel documents.

Article 9

Settlement of disputes

1. The Organization shall make provision for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other disputes in private law to which the Organization is party;

(b) Disputes involving any official of the Organization who, by reason of his official position, enjoys immunity, if this immunity has not been waived by the Director-General.

2. Any dispute between the Organization and the Government of the Socialist Republic of Romania concerning the interpretation or application of this Agreement, or any supplementary agreement, if it is not settled by negotiation or any other appropriate method agreed to by the parties, shall be submitted for final decision to an arbitration tribunal composed of three members; one shall be appointed by the Director-General of the Organization, another by the Minister for Foreign Affairs of the Socialist Republic of Romania and the third chosen by these two. If the two arbitrators cannot agree on the choice of the third, the appointment shall be made by the President of the International Court of Justice. The decision of the tribunal shall be final.

Article 10

General provisions

1. This Agreement is made in accordance with the provisions of section 39 of the Convention on the Privileges and Immunities of the Specialized Agencies, which provides for special agreements between a State and a specialized agency for the carrying out of the provisions of the above-mentioned Convention, taking into account the particular needs of an agency resulting from the establishment of regional bureaux or centres.

2. It is understood that, should that Convention be revised, the Government of the Socialist Republic of Romania and the Organization shall confer with a view to deciding what necessary amendments should be made to this Agreement.

3. At the request of either party, the parties to this Agreement shall confer with a view to its modification and may agree upon any amendment.

4. This Agreement shall enter into force on the date of signature.

DONE in duplicate, in the French language.

For the Government of the Socialist Republic of Romania

(Signed)

C. Mănescu

Minister for Foreign Affairs

Bucharest, 12 June 1972

For the United Nations Educational Scientific and Cultural Organization

(Signed)

René Maheu

Director-General

Paris, 4 July 1972

-
- (b) Agreement between the Government of Lebanon and the United Nations Educational, Scientific and Cultural Organization regarding the UNESCO Regional Education Bureau in the Arab Countries.⁶² Signed at Beirut on 22 December 1972.

The substantive provisions of this Agreement are similar to those of the Agreement reproduced in (a) above. However, in article 7:

- (i) The words “ on the understanding that the Lebanese Government will reimburse to the Organization any taxes which it may have collected on the said salaries and emoluments ” are added at the end of paragraph 1 (b).

- (ii) Paragraph 1 (g) reads as follows:

“(g) Shall, provided they formerly resided abroad, be granted the right to import free of duty their furniture, their personal effects and any household equipment intended for their personal use at the time of their establishment in Lebanon. This privilege shall extend over a maximum period of six months from the date of their arrival in Lebanon”;

⁶² Came into force provisionally on the date of signature.

- (iii) The words “ for the duration of their mission, on the conditions laid down under the régime for temporary admission ” are added at the end of paragraph 1 (h);
- (iv) Paragraph 1 (i) is omitted;
- (v) The words “ except if caught in the act of committing an offence. The competent Lebanese authorities shall, in such cases, immediately inform the Director-General of the Organization of the arrest or of the seizure of luggage ” are added at the end of paragraph 4 (a).

- (c) Agreements were also concluded between UNESCO and the Governments of Argentina, Belgium, Byelorussian SSR, Denmark, Federal Republic of Germany, Hungary, India, Kenya, Malaysia, Mexico, Niger, Nigeria, Philippines, Poland, Romania and Togo relating to meetings scheduled to be held in their respective territories. These agreements contain a provision similar to that reproduced on page 25 of the *Juridical Yearbook*, 1971, in paragraph (2).

4. INTERNATIONAL ATOMIC ENERGY AGENCY

1. Agreement on the Privileges and Immunities of the International Atomic Energy Agency.⁵³ Approved by the Board of Governors on 1 July 1959

(a) *Deposit of Instruments of Acceptance*

The following Member States accepted the Agreement on the Privileges and Immunities of the International Atomic Energy Agency in 1972:⁵⁴

<i>State</i>	<i>Date of deposit of instrument of acceptance</i>
Ireland	29 February 1972
Luxembourg ⁵⁵	24 March 1972

This brought up to 41 the number of States parties to this Agreement.

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

(i) Article 10 of the Agreement between the Republic of Finland and the International Atomic Energy Agency on Safeguards (INFCIRC/155); entered into force on 9 February 1972.

(ii) Article 10 of the Agreement between the Government of Canada and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/164); entered into force on 21 February 1972.

⁵³ United Nations, *Treaty Series*, vol. 374, p. 147.

⁵⁴ The Agreement enters into force as between the Agency and the accepting State on the date of deposit of the instrument of acceptance.

⁵⁵ With the following reservation:

“In accordance with the provisions of Article XII, Section 38 of the Agreement, Luxembourg excludes from application the last sentence of Article VI, Section 20 thereof.”

(iii) Part V, Section 25 of the Agreement between the International Atomic Energy Agency, the Government of Switzerland and the Government of the United States of America for the Application of Safeguards (INFCIRC/161); entered into force on 28 February 1972.

(iv) Article 10 of the Agreement between New Zealand and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/185); entered into force on 29 February 1972.

(v) Article 10 of the Agreement between the Government of Malaysia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/182); entered into force on 29 February 1972.

(vi) Article 10 of the Agreement between the Government of Ireland and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/184); entered into force on 29 February 1972.

(vii) Article 10 of the Agreement between the People's Republic of Bulgaria and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/178); entered into force on 29 February 1972.

(viii) Article 10 of the Agreement between the Republic of Iraq and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/172); entered into force on 29 February 1972.

(ix) Article 10 of the Agreement between the Kingdom of Norway and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/177); entered into force on 1 March 1972.

(x) Part V, Section 25 the Agreement between the International Atomic Energy Agency, the Government of Sweden and the Government of the United States of America for the Application of Safeguards (INFCIRC/165); entered into force on 1 March 1972.

(xi) Article 10 of the Agreement between the Government of the Kingdom of Denmark and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/176); entered into force on 1 March 1972.

(xii) Article 10 of the Agreement between the Government of the Czechoslovak Socialist Republic and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/173); entered into force on 3 March 1972.

(xiii) Article 10 of the Agreement between the Government of the German Democratic Republic and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/181); entered into force on 7 March 1972.

(xiv) Article 10 of the Agreement between the Hungarian People's Republic and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/174); entered into force on 30 March 1972.

(xv) Article 10 of the Agreement between the Kingdom of Nepal and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/186); entered into force on 22 June 1972.

(xvi) Section 27 of the Agreement between the International Atomic Energy Agency, the Government of Japan and the Government of the Commonwealth of Australia for the Application of Agency Safeguards in Respect of the Agreement between those Governments for Co-operation in the Peaceful Uses of Atomic Energy (INFCIRC/170); entered into force on 28 July 1972.

(xvii) Article 10 of the Agreement between the Holy See and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/187); entered into force on 1 August 1972.

(xviii) Article 10 of the Agreement between the Mongolian People's Republic and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/188); entered into force on 5 September 1972.

(xix) Section 27 of the Agreement between the International Atomic Energy Agency, the Government of Japan and the Government of the French Republic for the Application of Agency Safeguards in respect of the Agreement for Co-operation between those Governments in the Peaceful Uses of Nuclear Energy (INFCIRC/171); entered into force on 22 September 1972.

(xx) Part VII, Section 20 of the Agreement between the International Atomic Energy Agency and the Government of the Republic of Argentina for the Application of Safeguards to the Atucha Power Reactor Facility (INFCIRC/168); entered into force on 3 October 1972.

(xxi) Article 10 of the Agreement between the Government of the Polish People's Republic and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/179); entered into force on 11 October 1972.

(xxii) Article 10 of the Agreement between the Government of the Socialist Republic of Romania and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/180); entered into force on 27 October 1972.

(xxiii) Article 10 of the Agreement between the Republic of Zaire and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/183); entered into force on 9 November 1972.

(xxiv) Part V, Section 17 of the Agreement between the International Atomic Energy Agency and the Government of the United Kingdom of Great Britain and Northern Ireland for the Application of Safeguards (INFCIRC/175); entered into force on 14 December 1972.

2. Provisions affecting the privileges and immunities of the International Atomic Energy Agency in Austria

1. Article 10 of the Agreement between the Republic of Austria and the International Atomic Energy Agency for the Application of Safeguards Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/156); entered into force on 23 July 1972.

[Application of the relevant provisions of the Headquarters Agreement; additional immunities of inspectors and other officials performing functions under the Safeguards Agreement.]

2. Supplemental Agreement on the Establishment of an Agency Commissary for the Purpose of Implementing Article XV, Section 38 (j) (iii) of the Agreement between the IAEA and the Republic of Austria regarding the Headquarters on the IAEA of 11 December 1957 ⁵⁶ as amended on 4 June 1970 ⁵⁷ (INFCIRC/15/Mod.3); entered into force on 1 April 1972.

⁵⁶ United Nations, *Treaty Series*, vol. 339, p. 111.

⁵⁷ See *Juridical Yearbook*, 1971, p. 36.