

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1974

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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CONTENTS

FOREWORD	Page xiii
ABBREVIATIONS	xiv

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

CHAPTER I. LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

1. <i>Ireland</i> International Atomic Energy Agency (Designation and Immunities) Order, 1972	3
2. <i>United Kingdom of Great Britain and Northern Ireland</i> (a) The International Atomic Energy Agency (Immunities and Privileges) Order 1974	4
(b) The Specialized Agencies of the United Nations (Immunities and Privi- leges) Order 1974	7
(c) The United Nations and International Court of Justice (Immunities and Privileges) Order 1974	11

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. Approved by the General Assembly of the United Nations on 13 February 1946	16
2. Agreements relating to meetings and installations	16
3. Agreements relating to the United Nations Children's Fund: revised model agreement concerning the activities of UNICEF	26
4. Agreements relating to the United Nations Development Programme: standard basic agreement concerning assistance by the United Nations Development Programme	27
5. Agreement between the United Nations Capital Development Fund and Bolivia concerning assistance from the United Nations Capital Fund. Signed at La Paz on 13 December 1973	28
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. Approved by the General Assembly of the United Nations on 21 November 1947	29
2. Food and Agriculture Organization of the United Nations	30
3. United Nations Educational, Scientific and Cultural Organization	30
4. International Atomic Energy Agency	32

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 1974:²

<i>State</i>	<i>Date of receipt of instrument of accession</i>
Colombia	6 August 1974
Spain.....	31 July 1974

This brought up to 110 the number of States parties to the Convention.³

2. AGREEMENTS RELATING TO MEETINGS AND INSTALLATIONS

- (a) Agreement between the United Nations and the Netherlands regarding the arrangements for the Symposium on Population and Human Rights to be held at Amsterdam from 21 to 29 January 1974.⁴ Signed at New York on 17 January 1974

ARTICLE VI

Facilities, privileges and immunities

1. For the purposes of the Symposium, the Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which the Kingdom of the Netherlands is a party, shall apply.

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

²The 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.

³For the list of those States, see *Multilateral treaties in respect of which the Secretary-General Performs Depositary Functions* (ST/LEG/SER.D/8, United Nations publication, Sales No. E.75.V.9), p. 35.

⁴Came into force on the date of signature.

2. The Government shall impose no impediment to transmit to and from meetings of any persons whose presence at the Symposium is authorized by the United Nations and shall grant any visas required for such persons promptly and without charge.

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 IV, section 4 (a) and (b) above; (b) injury or damage to person or property caused or incurred in using transportation referred to in Article IV, section 4 (i) and (j); (c) the employment for the Symposium of the personnel referred to in Article IV, sections 2, 3 and 4 (e), (f) and (g), and 5, and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims and other demands.

(b) Memorandum of understanding between the United Nations and Japan on the United Nations Panel Meeting on a Satellite Broadcasting System for Education.⁵ Signed at New York on 8 February 1974

7. *Privileges and immunities*

(1) The Conventions on the Privileges and Immunities of the United Nations and of the specialized agencies, to which Japan is a party, will be applicable with respect to the Panel, the participants defined in paragraph 2, the officials of the United Nations and the officials of the specialized agencies.

(2) Any visa required for the persons referred to in paragraph 2 above will be granted promptly and without charge.

8. *Liability for claims*

In relation to any activity connected with the Panel, the Government will, as necessary, secure appropriate insurance or take other measures available under the laws and regulations in force in Japan, to cover any damage that might occur in Japan to any participant and any claim that might be made against the United Nations or its officials.

(c) Agreement between the United Nations and Venezuela regarding the arrangements for the second session of the Third United Nations Conference on the Law of the Sea, 1974.⁶ Signed at Caracas on 23 May 1974

ARTICLE XIV

Privileges and immunities

1. The Convention on the Privileges and Immunities of the United Nations shall be applicable with respect to the Conference. Accordingly, the Conference, the Representatives of States invited to attend the Conference, officials of the United Nations performing functions in connexion with the Conference and experts on mission for the United Nations at the Conference, shall enjoy the privileges and immunities provided in the said Convention, respectively, for the United Nations, representatives of Members, officials, and experts on mission for the United Nations.

2. The representatives of the specialized agencies, the International Atomic Energy Agency and other intergovernmental organizations attending the Conference shall enjoy the same privileges and immunities as accorded to officials of comparable rank of the United Nations.

⁵Came into force on the date of signature.

⁶Came into force on the date of signature.

3. Personnel provided by the Government under Article XI of this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connexion with the Conference with the exception of those who are assigned to hourly rates.

4. Without prejudice to the preceding paragraphs in this Article, all other persons performing functions in connexion with the Conference, including representatives of non-governmental organizations, representatives of the information media, and other persons invited to the Conference by the United Nations, shall enjoy immunity from legal process in respect of words spoken or written or any act performed by them in the exercise of their functions in connexion with the Conference, and such facilities and courtesies as are necessary for the independent exercise of their functions in connexion therewith.

5. The Government shall ensure that no impediment is imposed on transit to and from the Conference of the following categories of persons attending the Conference: representatives of Governments and their immediate families; officials and experts of the United Nations and their immediate families; representatives of the specialized agencies, the International Atomic Energy Agency and intergovernmental organizations and their immediate families; observers of non-governmental organizations invited to the Conference; representatives of the Press or of radio, television, film or other information agencies accredited by the United Nations in its discretion after consultation with the Government; and other persons officially invited to the Conference by the United Nations.

6. All persons referred to in this Article, with the exception of those referred to in paragraph three above, shall have the right of entry into and exit from Venezuela. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible, and when applications are received at least two and a half weeks before the opening of the Conference, not later than two weeks before the date of the Conference. If the application for the visa is not made at least two and a half weeks before the opening of the Conference, the visa shall be granted not later than three days from the receipt of the application. Exit permits, where required, shall be granted free of charge and as speedily as possible, in any case not later than three days before the closing of the Conference.

7. During the Conference, including the preparatory and final stage of the Conference, the buildings and areas referred to in Article I shall be deemed to constitute United Nations premises and access thereto shall be subject to the authority and control of the United Nations.

8. The Government shall allow the temporary importation of, and waive import duties and taxes for all equipment and supplies necessary for the Conference, including those needed for the official requirements and for the entertainment schedule of the Conference and such personal effects as would be reasonably required in the exercise of responsibilities and functions in connexion with the Conference. It shall issue without delay to the United Nations any necessary import and export permits.

ARTICLE XV

Liability for injury, property loss or damage

1. The Government shall be responsible for dealing with any actions, claims or other demands arising out of:

(a) injury to person or damage or loss of property (whether United Nations property or otherwise) in the premises, including damage to the premises, referred to in Articles I through IV of this Agreement;

(b) injury to person or property loss or damage caused by, or incurred in using, the transportation referred to in Article X of this Agreement; and the Government shall indemnify and hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands except when it is agreed by the parties hereto that such injury, loss or damage was caused by the gross negligence or wilful misconduct of United Nations personnel.

2. The Government shall secure adequate insurance coverage to discharge any financial obligations which may arise under paragraph 1 of this article. The United Nations shall provide the Government as required all information pertinent to the determination of such insurance coverage for United Nations.

3. The Government shall also be responsible for dealing with, and shall indemnify and hold the United Nations and its personnel harmless in respect of any actions, claims or other demands arising out of the employment for the Conference of the personnel referred to in Article XI of this Agreement.

(d) Agreement between the United Nations and Mexico regarding the arrangements for the UNCTAD Working Group on the Charter of the Economic Rights and Duties of States.⁷ Signed at Geneva on 20 May 1974 and at New York on 24 May 1974

VII. *Privileges and immunities*

[Similar to article XIV of the agreement referred to under (c) above except that paragraph 3 reads as follows:

“Without prejudice to the application of the Convention as provided above, the local staff provided by the Government under Section I, paragraph 2, of this Agreement shall enjoy the privileges and immunities necessary for the independent exercise of their functions in connexion with the Meeting.”

and that the words “and such personal effects as would reasonably be required in the exercise of responsibilities and functions in connexion with the Conference” do not appear in paragraph 8.]

IX. *Liability*

1. The Government shall be responsible for dealing with any claim, action, or proceeding arising out of,

(a) damages or loss to the land or premises within the Meeting area referred to in Section II, paragraph 1, or in respect of any injury to the person or property suffered within such area.

(b) damages or loss to property or in respect of injury to the person caused or incurred in using transportation for the purpose of the Meeting referred to in Section III, paragraph 4.

2. The Government shall hold the United Nations and its personnel harmless in respect to any actions, claims or demands referred to above, except where it is agreed by the parties hereto that such damage, loss or injury is caused by the gross negligence or wilful misconduct of United Nations personnel.

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

(e) Agreement between the United Nations and the Philippines regarding the arrangements for the eighteenth session of the Governing Council of the United Nations Development Programme.⁸ Signed at New York on 24 May 1974

ARTICLE XI

Privileges and immunities

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 and the Convention on the Privileges and Immunities of the Specialized

⁷Came into force on 24 May 1974.

⁸Came into force on the date of signature.

Agencies of 21 November 1947, to which the Government is a party, shall be applicable in respect of the Session.

2. Representatives of States Members of the United Nations and representatives of States not members of the United Nations attending the Session shall enjoy the privileges and immunities accorded to representatives of States Members of the United Nations by Article IV of the Convention on the Privileges and Immunities of the United Nations.

3. Officials of the Secretariat of the Session shall enjoy the privileges and immunities provided by Articles V, VI and VII of the Convention on the Privileges and Immunities of the United Nations. The local personnel provided by the Government to perform functions in connexion with the Session shall enjoy only 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 Session.

4. Officials of the specialized agencies and of the International Atomic Energy Agency and representatives of other intergovernmental organizations participating in the Session shall enjoy the privileges and immunities accorded to officials of the specialized agencies under the Convention on the Privileges and Immunities of the Specialized Agencies.

5. Without prejudice to the preceding paragraphs of this article, all persons performing functions in connexion with the Session and all those invited to the Session shall enjoy the necessary privileges, immunities and facilities in connexion with their participation in the Session.

6. The Government shall impose no impediment to transit to and from the Session of any persons whose presence at the Session is authorized by the United Nations and of any member of their immediate families. Any entry or exit visa required for such persons shall be granted immediately on application and without charge.

7. For the purpose of the application of the Convention on the Privileges and Immunities of the United Nations, the conference premises referred to in article III above shall be deemed to constitute premises of the United Nations and access thereto shall be under the control and authority of the United Nations.

8. The participants in the Session, representatives of information media and officials of the Secretariat of the Session shall have the right to take out of the Philippines at the time of their departure, without any restrictions, any unexpended portions of the funds they brought into the Philippines in connexion with the Session, or which they received during their presence at the Session, at the United Nations operational rate of exchange.

ARTICLE XII

Import duties and tax

1. The Government shall allow the temporary importation tax and duty-free of all equipment, including technical equipment accompanying representatives of information media, and shall waive import duties and taxes on supplies necessary for the Session. It shall issue without delay any necessary import and export permits for this purpose.

2. The Government hereby waives import and export permits for the supplies needed for the Session and which the United Nations certifies are required for official use at the Session.

(f) Exchange of letters constituting an agreement between the United Nations and the Federal Republic of Germany regarding arrangements for the United Nations Interregional Seminar on Cadastral Surveying and Urban Mapping to be held in Berlin (West) from 24 June to 12 July 1974.⁹ New York, 20 June 1974

⁹Came into force on 20 June 1974.

I

...

(3) (a) Representatives of Member States, officials and experts of the United Nations participating in or performing functions in connection with the Seminar shall enjoy the same privileges and immunities as are accorded by the Convention on the Privileges and Immunities of the United Nations adopted on 13 February 1946.

(b) Officials of the specialized agencies participating in the Seminar shall be accorded the privileges and immunities provided under the Convention on the Privileges and Immunities of the Specialized Agencies.

(c) The persons mentioned under (3)(a) and (b) shall have the right of unimpeded entry to and exit from the place of the Seminar.

...

The Government of the Federal Republic of Germany shall be responsible for dealing with any actions, claims or other demands (a) which may be brought against the United Nations for damage to facilities or premises used in the course of the meeting, (b) or which arise out of injury or damage to persons or property caused or incurred in using the premises, facilities or transportation referred to under (1), (c) or which arise out of the employment of local personnel by the Government, and the Government shall indemnify and hold harmless the United Nations and its personnel in respect of any such actions, claims or other demands, except where it is agreed by the United Nations and the Government that the injury or damage is attributable to gross negligence or wilful misconduct on the part of the United Nations or its officials.

...

II

...

I wish to express agreement with the arrangements set forth in your letter and to confirm that our exchange of letters shall be deemed to constitute an agreement between the United Nations and the Government of the Federal Republic of Germany.

...

(g) Agreement between the United Nations and Austria for the establishment of the European Centre for Social Welfare Training and Research.¹⁰ Signed at New York on 24 July 1974

ARTICLE II

Legal status of the Centre

1. The host Government shall take the necessary steps to establish the Centre as an autonomous, non-profitmaking entity, having legal personality under Austrian law. . .

...

(h) Exchange of letters constituting an agreement between the United Nations and Austria regarding privileges and immunities of United Nations officials being members of the European Centre for Social Welfare Training and Research.¹¹ New York, 23 December 1974

...

(1) Officials of the United Nations as defined in Article V of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 being members of the

¹⁰Came into force on 7 August 1974.

¹¹Came into force, retroactively, on 7 August 1974.

European Centre for Social Welfare Training and Research shall enjoy *mutatis mutandis* such privileges and immunities as granted to officials of the United Nations Industrial Development Organization in Article XII of the Agreement between the United Nations and the Republic of Austria regarding the Headquarters of the United Nations Industrial Development Organization of 13 April 1967.¹²

...

II

...

I have the honour to inform you that the Republic of Austria agrees to the text of your letter and that therefore your letter and my answer constitute an Agreement between the United Nations and the Republic of Austria. . .

- (i) Agreement between the United Nations and Italy regarding the arrangements for the World Food Conference 1974.¹³ Signed at Rome on 4 November 1974

ARTICLE VII

Privileges and immunities

1. Representatives of States Members of the United Nations invited to the Conference shall enjoy the privileges and immunities specified in Article IV of the Convention on the Privileges and Immunities of the United Nations (hereinafter referred to as "the United Nations Convention"). Representatives of other States invited to the Conference shall enjoy the privileges and immunities specified in Article XII, Section 25 of the Agreement of 31 October 1950 between the Government of the Italian Republic and FAO regarding the Headquarters of FAO (hereinafter referred to as "the Headquarters Agreement").

2. Officials of the United Nations shall enjoy the privileges and immunities specified in Articles V and VII of the United Nations Convention.

3. Officials of FAO shall enjoy the privileges and immunities specified in Article XIII of the Headquarters Agreement. Officials of other specialized agencies of the United Nations and the International Atomic Energy Agency shall enjoy the privileges and immunities specified in Articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies (hereinafter referred to as "the Specialized Agencies Convention"), and in Articles VI and IX of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency (hereinafter referred to as the "IAEA Convention"), respectively.

4. Officials and experts of other intergovernmental organizations invited to the Conference shall enjoy the privileges and immunities provided in the corresponding Convention in force.

5. All persons performing functions relating to the Conference and all those invited to the Conference shall enjoy the necessary privileges, immunities and facilities in connection with their participation in the Conference.

6. Taking into account the provisions of the United Nations Convention, the Specialized Agencies Convention, the IAEA Convention and the Headquarters Agreement, the Government shall impose no impediment to transit to and from the Conference of the following categories of persons, and shall afford them any necessary protection in transit:

(a) representatives of states and of entities invited to the Conference pursuant to Economic and Social Council Resolution 1840 (LVI);

(b) officials of the United Nations performing functions in connection with or otherwise attending the Conference;

¹²Reproduced in the *Juridical Yearbook*, 1967, p. 44.

¹³Came into force on the date of signature.

(c) representatives of the press or of other information media accredited by the United Nations, at its discretion after consultation with the Government;

(d) other persons whose presence at the Conference is authorized by the United Nations;

(e) members of the families of persons specified in subparagraphs (a) and (b).

Any visas required for such persons shall be granted promptly and without charge.

7. For the purpose of the application of the Convention, the premises of the Conference as specified in the exchange of letters to be concluded pursuant to Article I of this Agreement shall be deemed to constitute premises of the United Nations and access thereto shall be under the control and authority of the United Nations for the entire duration of the Conference.

ARTICLE VIII

Liability

The Government shall secure appropriate insurance, in relation to all activities connected with the Conference, covering any damage that might occur to the United Nations or to any of its officials or to any participant in the Conference on the premises of the Conference. The Government undertakes to provide, if requested, all appropriate legal assistance in the event that the United Nations or any of its officials or a participant in the Conference should be a plaintiff or defendant before an Italian court for injuries or damage to persons or property.

ARTICLE IX

Import duties and tax

1. The Government shall grant, in response to an appropriate request by the United Nations and on its behalf by the Secretary-General of the Conference;

(a) the temporary importation, free of duties and all other levies and taxes, of the equipment needed for the organization and conduct of the Conference, subject to the obligation to re-export said equipment;

(b) the exemption from duties and all other levies and taxes on the importation of supplies and expendable goods, including those for protocol purposes, intended for the official and exclusive use of the Conference, and subject to the prohibition on the diversion thereof for other purposes, pursuant to Article II, Section 7 (b) of the United Nations Convention;

(c) the right to import, subject to no financial restriction whatever, the materials and products referred to in (a) and (b) above.

2. The Government shall further grant exemption from duties for the temporary importation by representatives of the information media of the equipment brought by them into Italy for the performance of their functions on the occasion and for the purposes of the Conference, subject to the obligation to re-export said equipment.

(j) Agreement between the United Nations and Yugoslavia regarding the arrangements for the Seminar on the Promotion and Protection of Human Rights of National, Ethnic and other Minorities, to be held in Ohrid, Yugoslavia, from 25 June to 8 July 1974.¹⁴ Signed at New York on 21 January 1974

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

¹⁴Came into force on the date of signature.

- (k) Agreement between the United Nations and Egypt regarding arrangements for the United Nations and the Food and Agriculture Organization's Regional Seminar on Remote Sensing of Earth Resources and the Environment, to be held at Cairo from 4 to 13 September 1974.¹⁵ Signed at New York on 2 August 1974

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

- (i) An additional paragraph reading as follows appears between paragraphs 2 and 3 of Article V:

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

- (ii) The following text is substituted for the last three sentences of paragraph 5 of Article V:

"Entry visas shall be granted free of charge, as speedily as possible and within five days of an application being made. Exit permits, when required, shall be granted free of charge and without delay, in any case not later than three days before the closing of the seminar."

- (l) Agreement between the United Nations and Israel regarding arrangements for the Expert Group Meeting on the Achievement of Efficiency in the Use and Re-Use of Water, to be held at Tel Aviv from 11 to 22 November 1974.¹⁶

This agreement contains provisions similar to Articles V and VI of the agreement between the United Nations and Yugoslavia referred to under (j) above, except that the following text is substituted for the last three sentences of Article V.

"Visas, entry and exit permits, where required, shall be granted not later than three days before the closing of the Meeting."

- (m) Understanding between the United Nations and Canada regarding the arrangements for the Seminar on National Machinery to Accelerate the Integration of Women in Development and to Eliminate Discrimination on Grounds of Sex, to be held at Ottawa from 4 to 17 September 1974.¹⁷

This understanding contains provisions similar to Articles V and VI of the agreement between the United Nations and Yugoslavia referred to under (j) above, except that:

- (i) Paragraph 1, of Article V reads as follows:

"1. The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the seminar. Accordingly, the participants and alternates referred to in Article II (a) and the officials of the United Nations performing functions in connexion with the seminar shall enjoy the privileges and immunities provided under Articles IV and V, respectively, and Article VII of the said Convention.";

- (ii) the last sentence of paragraph 4 of Article V does not appear;

- (iii) Article VI includes two additional paragraphs reading as follows:

"2. Canada shall be subrogated to the rights and remedies of the United Nations in respect of any action, causes of action, claims or other demands referred to in Article VI.1

¹⁵ Came into force on the date of signature.

¹⁶ Came into force on the date of signature.

¹⁷ Came into force on 4 September 1974.

of this Understanding, except that it is understood that Canada shall not be subrogated to immunity from legal process enjoyed by the United Nations.

“3. The United Nations and Canada shall cooperate in procurement of evidence for a fair hearing and disposal of actions, causes of action, claims and other demands referred to in Article VI.1 of this Understanding.”

- (n) Agreement between the United Nations and Brazil regarding the arrangements for the Interregional Seminar on Remote Sensing for Cartography (Surveying and Mapping), to be held in Sao Jose dos Campos, Brazil, from 4 to 15 November 1974.¹⁸ Signed at New York on 21 October 1974

This agreement contains provisions similar to Articles V and VI of the agreement between the United Nations and Yugoslavia referred to under (j) above, except that:

(i) An additional paragraph similar to the paragraphs quoted under (k) (i) above appears between paragraphs 2 and 3 of Article V;

(ii) An additional paragraph reading as follows appears between paragraphs 3 and 4 of Article V:

“4. 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.”;

(iii) The last three sentences of paragraph 5 of Article V have been replaced by a text similar to that appearing under (k) (ii) above.

- (o) Agreement between the United Nations and Romania regarding the arrangements for the twenty-ninth session of the Economic Commission for Europe, to be held at Bucharest in April 1974.¹⁹ Signed at Geneva on 4 April 1974

This agreement contains provisions similar to articles XIII, XIV and XV of an agreement between the United Nations and Romania reproduced on pp. 17 and 18 of the *Juridical Yearbook*, 1973.

- (p) Agreement between the United Nations and Romania relating to the establishment of a demographic centre in Bucharest.²⁰ Signed at Bucharest on 28 August 1974

ARTICLE I

Objectives and activities of the Centre

...

5. The Centre shall have a legal personality distinct from that of the Parties and shall not be considered as a body of the United Nations or of the Government. The Government shall publish statutory orders concerning the legal status of the Centre.*

...

¹⁸Came into force on the date of signature.

¹⁹Came into force on the date of signature.

²⁰Came into force on 31 October 1974.

*Provisional translation.

ARTICLE VI

Participation of the Government

2. The Government will grant the Centre all the assistance it might need in order to deal with any claims concerning the affairs of the Centre which might be brought by third parties residing within the territory of the Socialist Republic of Romania against the United Nations and its personnel and in order to hold the United Nations and its personnel harmless in case of such claims; the Government will exempt the United Nations and its personnel from any liabilities resulting from operations under this Agreement, except where it is agreed by the parties that such claims or liabilities arise from gross negligence or the wilful misconduct of such personnel.*

ARTICLE VII

Facilities, privileges and immunities

[Similar to article VII of an agreement between the United Nations and the United Arab Republic, reproduced on pp. 41 and 42 of the *Juridical Yearbook*, 1968, except that the following text is substituted for paragraph 4:

"All holders of United Nations fellowships at the Centre shall have the right of entry into and exit from the Socialist Republic of Romania, and of sojourn there for the period necessary for their training. All persons referred to in this Article shall enjoy facilities for speedy travel, and visas shall be granted to them promptly and free of charge."*]

3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND: REVISED MODEL AGREEMENT CONCERNING THE ACTIVITIES OF UNICEF²¹

ARTICLE VI

Claims against UNICEF

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

ARTICLE VII

Privileges and immunities

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

AGREEMENT BETWEEN UNICEF AND BHUTAN CONCERNING THE ACTIVITIES OF UNICEF.²² SIGNED AT NEW DELHI ON 24 SEPTEMBER 1974

This agreement contains articles similar to articles VI and VII of the revised model agreement.

*Provisional translation.

²¹UNICEF, *Field Manual*, vol. II, part IV-2, Appendix A (1 October 1964).

²²Came into force on the date of signature.

4. AGREEMENTS RELATING TO THE UNITED NATIONS DEVELOPMENT PROGRAMME: STANDARD BASIC AGREEMENT CONCERNING ASSISTANCE BY THE UNITED NATIONS DEVELOPMENT PROGRAMME²³

ARTICLE III

Execution of Projects

...

5. [See *Juridical Yearbook*, 1973, p. 24.]

...

ARTICLE IX

Privileges and Immunities

[See *Juridical Yearbook*, 1973, p. 25.]

ARTICLE X

Facilities for execution of UNDP assistance

[See *Juridical Yearbook*, 1973, pp. 25 and 26.]

ARTICLE XIII

General provisions

...

4. . . . [See *Juridical Yearbook*, 1973, p. 26.]

- (a) Agreements between the United Nations (United Nations Development Programme) and the Government of Haiti, Benin,* Oman, the Republic of Viet-Nam, Colombia, Cyprus, the Dominican Republic, Mauritius, Barbados and Gabon, concerning assistance by the United Nations Development Programme.²⁴ Signed, respectively, at Port-au-Prince on 28 June 1973, at Cotonou on 18 January 1974, Muscat on 19 January 1974, Saigon on 7 May 1974, Bogota on 29 May 1974, Nicosia on 10 June 1974, Santo Domingo on 11 June 1974, Port Louis on 29 August 1974, Bridgetown on 21 October 1974, Libreville on 11 November 1974

These agreements contain provisions similar to articles III, 5, (IX), X and XIII, 4 of the standard basic agreement.

²³Document UNDP/ADM/LEG/34 of 6 March 1973. The standard basic agreement, prepared by the Bureau of Administration and Finance in consultation with the Executing Agencies of UNDP, represent a consolidation of the standard Special Fund, Technical Assistance, Operational Assistance and Office Agreements of the UNDP, which it is designed to replace.

*Then Dahomey.

²⁴Came into force respectively on 28 June 1973, 18 January 1974, 19 January 1974, 7 May 1974, 29 May 1974 (provisionally), 10 June 1974, 11 June 1974 (provisionally), 29 August 1974, 21 October 1974 and 11 November 1974

- (b) Agreement between the United Nations (United Nations Development Programme) and the United States of America concerning assistance by the United Nations Development Programme to the Trust Territory of the Pacific Islands.²⁵ Signed at New York on 10 June 1974

This agreement contains provisions similar to articles III, 5, IX, X and XIII, 4 of the standard basic agreement.

It is accompanied with the following exchange of letters:

I

...

This letter is to confirm our understanding that the United States, as Administering Authority for the TTPI, will assume international responsibility for the performance of the obligations set forth in Article X only to the extent of its authority under the Trusteeship Agreement for Former Japanese Mandated Islands and applicable United States law. I would appreciate your confirmation of this understanding.

...

II

...

I have the honour to inform you that the UNDP has taken note of the contents of your letter and hereby confirms the understanding reflected in it.

...

5. AGREEMENT BETWEEN THE UNITED NATIONS CAPITAL DEVELOPMENT FUND AND BOLIVIA CONCERNING ASSISTANCE FROM THE UNITED NATIONS CAPITAL FUND.²⁶ SIGNED AT LA PAZ ON 13 DECEMBER 1973

ARTICLE III

Liability to third Parties

The UNCDF assistance under this Agreement being provided for the benefit of the Government, the latter shall bear all risks of use of the equipment. The Government shall be responsible for dealing with any claims which may be brought by third Parties against the UNCDF, its officials or other persons performing services on its behalf and shall hold it harmless in respect of claims and liabilities arising from the use of such equipment. The foregoing provision shall not apply where the Parties are agreed that a claim or liability arises from the gross negligence or wilful misconduct of such officials of UNCDF or other persons performing services on its behalf.

²⁵ Came into force on the date of signature.

²⁶ Came into force on the date of signature.

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.²⁷ APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

In 1974, the following States acceded to the Convention or, if already parties, undertook by a subsequent notification to apply the provisions of the Convention, in respect of the specialized agencies indicated below:²⁸

<i>State</i>		<i>Date of receipt of instrument of accession or notification</i>	<i>Specialized agencies</i>
German Democratic Republic	Accession	4 October 1974	ILO, UNESCO, WHO (third revised text of Annex VII), UPU, ITU, WMO, IMCO (revised text of Annex XII) ²⁹
Iran	Accession	16 May 1974	ILO, FAO (second revised text of Annex II), ³⁰ ICAO, UNESCO, IMF, IBRD, WHO (third revised text of Annex VII), UPU, ITU, WMO, IMCO (revised text of Annex XII), ²⁹ IFC, IDA
Mongolia	Notification	20 September 1974	FAO (second revised text of Annex II) ³⁰
Romania	Notification	23 August 1974	IMF, IBRD
Spain	Accession	26 September 1974	ILO, FAO (second revised text of Annex II), ³⁰ ICAO, UNESCO, IMF, IBRD, WHO (third revised text of Annex VII), UPU, ITU, WMO, IMCO (revised text of Annex XII), ²⁹ IFC, IDA

As of 31 December 1974, 81 States were parties to the Convention.³¹

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

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

²⁹ See *Juridical Yearbook*, 1968, p. 66.

³⁰ See *Juridical Yearbook*, 1965, p. 43.

³¹ For the list of those States, see *Multilateral Treaties in respect of which the Secretary-General Performs Depositary Functions* (ST/LEG/SER. D/8—United Nations publication, Sales No. E.75.V.9), p. 40.

2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

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

Agreements concerning specific sessions held outside FAO Headquarters and containing provisions on privileges and immunities of FAO and participants similar to the standard text (published in the *Juridical Yearbook*, 1972, p. 32)³² were concluded in 1974 with the governments of the following countries acting as hosts to such sessions:

Colombia, Cyprus, Greece, India, Ivory Coast, Jamaica, Japan,³³ Jordan, Kenya, Lebanon, Malaysia, Mali, Mauritius, Panama, Philippines, Senegal, Switzerland,³³ Thailand,³³ United Kingdom,³³ United States of America, Venezuela.

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

Agreements concerning specific training courses, etc., and containing provisions on privileges and immunities of FAO and participants similar to the standard text (published in the *Juridical Yearbook*, 1972, p. 33), were concluded in 1974 with the governments of the following countries acting as hosts to such training courses, etc.:

Austria, Ecuador, Egypt, Gabon, Hungary, India, Iran,³³ Jamaica, Lebanon, Mexico,³³ Nigeria, Peru, Romania, Saudi Arabia, Senegal, Thailand, Tunisia, United States of America,³³ Uruguay,³³ Zambia.

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Agreements relating to meetings and installations

- (a) Agreement between the Arab Republic of Egypt and the United Nations Educational, Scientific and Cultural Organization concerning the establishment and operation of a Centre for Social Science Research and Documentation for the Arab Region.³⁴ Signed at Paris on 23 October 1974

³²Due to re-numbering of the provisions of the General Rules of the Organization, reference is now made in paragraph 9 of the standard text of the agreement to Rule XXXVI-4 (rather than XXXIV-4).

³³Certain exceptions to or amendments of the standard text were introduced at the request of the Host Government.

³⁴Came into force upon its signature.

ARTICLE 10

1. The Centre shall enjoy on the territory of the Arab Republic of Egypt the personality and legal capacity necessary for the exercise of its functions.

2. The Government shall apply to the Organization and its officials and experts, including those who are made available to the centre, and to the representatives of Arab Member States attending the sessions of the Governing Board or the Standing Committee, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies to which it has been party since 25 September 1954.

3. The members of the Centre's Governing Board and its Director shall enjoy, during their stay in the Arab Republic of Egypt and while exercising their duties, the privileges, facilities and immunities accorded to members of foreign diplomatic missions accredited to the Government.

4. The agents made available to the Centre under the UNESCOPAS programme or any other equivalent programme shall enjoy the status, privileges, facilities and immunities set out in the agreement concluded to this effect.

5. The Government shall authorize the entry, free of visa charges, the sojourn on its territory and the exit of any person invited to attend the sessions of the Governing Board on proceeding to the Centre on official business.

6. The goods, assets and income of the Centre shall be exempt from all direct taxes. Further, the Centre shall be exempt from the payment of any fees or taxes with respect to equipment, supplies and material imported or exported for its official use.

7. The Centre may have accounts in any currency, hold funds and foreign exchange of any kind and transfer them freely.

8. The Government shall be responsible for dealing with any claims which may be brought by third persons against the Organization, against members of its staff or against other persons employed by the Centre and shall hold the Organization and the above-mentioned persons harmless from any claims or liabilities resulting from operations of the Centre under this agreement, except where it is agreed by the Organization and the Government that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.

(b) Agreement between the Government of Mexico and the United Nations Educational, Scientific and Cultural Organization on the establishment and functioning of a regional centre of adult education and functional literacy for Latin America.³⁵ Done at Paris on 21 October 1974

This Agreement contains provisions similar to article X of the Agreement referred to under (a) above, except that paragraph 4 is omitted.

(c) Agreement between the National Executive Council of the Republic of Zaïre and the United Nations Educational, Scientific and Cultural Organization on the establishment of a centre for the co-ordination of social science, research and documentation covering Africa South of the Sahara.³⁶ Signed at Paris on 23 September 1974

This agreement contains provisions similar to article X of the agreement referred to under (a) above except that the word "freely" at the end of paragraph 7 is replaced by the words "in accordance with the regulations in force concerning currency exchange".

³⁵ Came into force upon its signature.

³⁶ Came into force upon its signature.

- (d) Agreements were also concluded between UNESCO and the Governments of Argentina, Belgium, Benin,* Brazil, Colombia, Costa Rica, Denmark, Egypt, Indonesia, Iran, Malaysia, Mali, Mauritania, Mexico, Monaco, Nepal, New Zealand, Niger, Peru, Philippines, Poland, Singapore, Sri Lanka, the USSR, the United Republic of Tanzania and Venezuela 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

- (a) Agreement on the Privileges and Immunities of the International Atomic Energy Agency.³⁷ Approved by the Board of Governors of the Agency on 1 July 1959

(1) *Deposit of Instruments of Acceptance*

The following Member States accepted the Agreement on the Privileges and Immunities of the International Atomic Energy Agency in 1974, on the dates as indicated:³⁸

Iran 21 May 1974

German Democratic Republic³⁹ 30 October 1974

This brought up to 44 the number of States parties to this Agreement.

*Then Dahomey.

³⁷United Nations, *Treaty Series*, vol. 374, p. 147.

³⁸The Agreement enters into force as between the Agency and the accepting State on the date of deposit of the Instrument of Acceptance.

³⁹With the following reservation:

"The German Democratic Republic does not consider itself bound by the provisions of Sections 26 and 34 of the Agreement, under which there is an obligation to submit to the jurisdiction of the International Court of Justice. With regard to the competence of the International Court of Justice in respect of disputes arising out of the interpretation or application of the Agreement, the German Democratic Republic holds the view that the consent of all parties involved in a dispute must be obtained in each individual case before the dispute can be referred to the International Court of Justice for settlement.

"This reservation applies equally to the provision in Section 34, that the opinion delivered by the International Court of Justice shall be accepted as decisive."

The German Democratic also appended the following declaration to its Instrument of Acceptance:

"As regards the application of the Agreement to West Berlin, the German Democratic Republic maintains, in accordance with the Quadripartite Agreement of 3 September 1971 between the Governments of the Union of Soviet Socialist Republic, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic, that West Berlin is not a part of the Federal Republic of Germany and may not be governed by it. The declaration of the Federal Republic of Germany to the effect that the Agreement on the Privileges and Immunities of the International Atomic Energy Agency should apply also to West Berlin conflicts with the Quadripartite Agreement, in which it is established that treaties concerning questions of security and status may not be extended to West Berlin by the Federal Republic of Germany".

(2) *Incorporation of provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency by reference in other Agreements*

- (i) Article 10 of the Agreement between the Republic of Viet-Nam and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entry into force: 9 January 1974 (INFCIRC/219).
- (ii) Article 10 of the Agreement between Iran and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entry into force: 15 May 1974 (INFCIRC/214).
- (iii) Article 10 of the Agreement between the Government of the Kingdom of Thailand and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entry into force: 16 May 1974.
- (iv) Article V.2 of the Agreement between the International Atomic Energy Agency and the Government of Turkey for assistance by the Agency to Turkey in continuing a sub-critical assembly project; entry into force: 17 May 1974 (INFCIRC/212).
- (v) Article 10 of the Agreement between Australia and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entry into force: 10 July 1974 (INFCIRC/217).
- (vi) Article 10 of the Agreement between the Government of Iceland and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entry into force: 16 October 1974 (INFCIRC/215).
- (vii) Article 10 of the Agreement between the Republic of the Philippines and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entry into force: 16 October 1974 (INFCIRC/216).
- (viii) Section 5 of the Agreement between the International Atomic Energy Agency and the Government of Spain relating to the application of safeguards; entry into force: 19 November 1974 (INFCIRC/218).
- (ix) 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 Embalse Power Reactor facility; entry into force: 6 December 1974 (INFCIRC/224).
- (x) Section 6 of the Agreement between the International Atomic Energy Agency and the Government of the Republic of Chile relating to the application of safeguards; entry into force: 31 December 1974.

(b) *Provisions affecting the Privileges and Immunities of the International Atomic Energy Agency in Austria*

Agreement between the International Atomic Energy Agency and the Republic of Austria concerning Social Security for Officials of that Organization; entry into force: 1 July 1974 (INFCIRC/15/Rev.1, Part V).