

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1976

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



Copyright (c) United Nations

CONTENTS

	<i>Page</i>
FOREWORD	xvii
ABBREVIATIONS	xviii

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>Austria</i>	
Federal Act of 19 May 1976 concerning the refund of sales tax to foreign missions and their members possessing diplomatic and career consular status	3
2. <i>Sri Lanka</i>	
Ceiling on Housing Property (Amendment) Law	5
3. <i>Sweden</i>	
Act of 10 June 1976 on Immunities and Privileges in Certain Cases ..	5
4. <i>United Kingdom of Great Britain and Northern Ireland</i>	
(a) The International Organisations (Immunities and Privileges) Mis- cellaneous Provisions Order 1975	8
(b) The International Organisations (Immunities and Privileges) Mis- cellaneous Provisions Order 1976	10
5. <i>United States of America</i>	
Bretton Woods Agreement Act (22 U.S.C. Section 226(a))	
Opinion dated 27 July 1976 of the Attorney General of Maryland concerning the exemption of non U.S. nationals employed by the World Bank and residing in Maryland from the income tax of Maryland on the salaries and emoluments paid to them by the World Bank	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 Feb- ruary 1946	14
2. Agreements relating to meetings and installations	14

CONTENTS (*continued*)

	<i>Page</i>
3. Agreements relating to the United Nations Children's Fund: revised model agreement concerning the activities of UNICEF	48
4. Agreements relating to the United Nations Development Programme	49
5. Agreements relating to the World Food Programme	51
6. Agreements relating to the United Nations Revolving Fund for Natural Resources Exploration	52
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	54
2. Food and Agriculture Organization of the United Nations	55
3. United Nations Educational, Scientific and Cultural Organization	55
4. International Bank for Reconstruction and Development	69
5. International Atomic Energy Agency	70
Part Two. Legal activities of the United Nations and related intergovernmental organizations	
CHAPTER III. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS	
A. GENERAL REVIEW OF THE LEGAL ACTIVITIES OF THE UNITED NATIONS ...	75
B. GENERAL REVIEW OF THE ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS	
1. International Labour Organisation	100
2. Food and Agriculture Organization of the United Nations	101
3. United Nations Educational, Scientific and Cultural Organization ..	105
4. International Civil Aviation Organization	111
5. World Health Organization	114
6. World Bank	115
7. International Monetary Fund	117
8. World Meteorological Organization	120
9. Inter-Governmental Maritime Consultative Organization	121
10. International Atomic Energy Agency	122
CHAPTER IV. TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS	
TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS	
Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. Opened for signature and ratification on 18 May 1977	125

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 NATIONS¹. APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 FEBRUARY 1946

No additional State acceded to the Convention in 1976.² The number of States parties to the Convention thus remains at 112.³

2. AGREEMENTS RELATING TO MEETINGS AND INSTALLATIONS

(a) Agreement between the United Nations and Japan regarding the Headquarters of the United Nations University (with agreed minutes, memorandum of understanding and exchange of notes).⁴ Signed at New York on 14 May 1976

The United Nations and Japan,

Considering that the General Assembly of the United Nations, by resolution 2951 (XXVII) of 11 December 1972, decided to establish the United Nations University and by resolution 3081 (XXVIII) of 6 December 1973, adopted the Charter of the United Nations University and decided that the University Centre of the United Nations University should be located in the Tokyo metropolitan area in Japan;

Considering that the United Nations University, as an organ of the United Nations, enjoys the benefits provided by the Charter of the United Nations, and by the Convention on the Privileges and Immunities of the United Nations, and also those provided by the Charter of the United Nations University;

Considering that it is desirable to conclude an agreement, complementary to the foregoing instruments, with a view to regulating questions not fully dealt with therein

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 For the list of those States, see *Multilateral Treaties in respect of which the Secretary-General Performs Depositary Functions* (ST/LEG/SER.D/10, United Nations publication, Sales No. E.77.V.7), p. 35.

⁴ Came into force on 22 June 1976.

which may arise as a result of the decision regarding the location of the headquarters of the United Nations University;

With a view to enabling the United Nations University at its headquarters in Japan to discharge fully and effectively its responsibilities and fulfil its purposes in co-operation and harmony with the Government and people of Japan;

Have agreed as follows:

ARTICLE I

DEFINITIONS

Section 1

For the purpose of this Agreement:

- (a) "the University" means the United Nations University;
- (b) "the Government" means the Government of Japan;
- (c) "The Rector" means the Rector of the University, or in his absence any other official designated to act on his behalf in respect of the University headquarters, to be notified to the Government by the Rector or by the Secretary-General of the United Nations;
- (d) "the headquarters seat" means:
 - (i) the building or buildings, or a part thereof, and any land ancillary thereto used exclusively for the purposes of the University headquarters; and
 - (ii) any other building or land which may be additionally or temporarily included therein in accordance with this Agreement or by supplemental agreement with the Government;
- (e) "General Convention" means the Convention on the Privileges and Immunities of the United Nations approved by the General Assembly of the United Nations on 13 February 1946.

ARTICLE II

THE HEADQUARTERS SEAT

Section 2

1. The permanent headquarters of the University shall be in the headquarters seat, and shall not be removed therefrom, in whole or in part, unless:

(a) the United Nations so decides, provided that transfer to a new headquarters seat in Japan shall take place only with the agreement of the Government; or

(b) the University requests to transfer to a new headquarters seat in the Tokyo metropolitan area, and the Government agrees; or

(c) the Government requests the University to transfer to a new headquarters seat in the Tokyo metropolitan area, or with the agreement of the United Nations to a new headquarters seat in Japan outside the Tokyo metropolitan area, provides fully suitable premises for the University headquarters, and defrays the costs of the transfer.

2. Any building, or a part thereof, in Japan which may be used with the concurrence of the Government exclusively for meetings convened by the University, other than meetings convened by the research and training centres or programmes of

the University, shall be temporarily regarded as a part of the headquarters seat as far as section 6 is concerned.

Section 3

1. The Government shall make available to the University a provisional headquarters seat for its use, with the furnishings and equipment initially necessary, as determined by the Government after consultation with the University.

2. Subsequently, the Government shall make available to the University a permanent headquarters seat for its use, within the limits of its offer regarding its contribution towards the establishment of the University headquarters in the Tokyo metropolitan area.

3. The University shall be responsible for the maintenance and reasonable care of the headquarters seat and its furnishings and equipment, and for the public utilities and services provided under section 8 of this Agreement. The Government shall be responsible for prevention and repair of structural damage of the headquarters seat.

Section 4

Matters related to any research and training centre or programme which the University may set up in Japan and to any such centre or programme located in Japan which may be incorporated into the University's framework shall be dealt with in a separate agreement between the Government and the University.

ARTICLE III

LEGAL STATUS OF THE HEADQUARTERS SEAT

Section 5

The headquarters seat shall be under the control and authority of the University as provided in this Agreement.

Section 6

1. The headquarters seat shall be inviolable. No officer or official of Japan, or other person exercising any public authority within Japan, shall enter the headquarters seat to perform any official duties therein except with the consent of the Rector, or at his request. The consent of the Rector shall, however, be assumed in case of fire or other emergency requiring prompt protective action, or in the event that the Japanese authorities have reasonable cause to believe that such an emergency has occurred or is about to occur in the headquarters seat.

2. The University shall prevent the headquarters seat from being used as a refuge by persons who are avoiding arrest under any law of Japan, who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process.

ARTICLE IV

PROTECTION OF THE HEADQUARTERS SEAT

Section 7

The Government shall use its best efforts within the laws and regulations of Japan to protect the headquarters seat against any person or group of persons attempt-

ing unauthorized entry into or purposely disturbing the tranquility of the headquarters seat in its immediate vicinity.

ARTICLE V

PUBLIC SERVICES IN THE HEADQUARTERS SEAT

Section 8

1. The Government shall use its best efforts, in consultation with the University, to ensure that the headquarters seat shall be supplied with the necessary public utilities and services, including, without limitation by reason of this enumeration, electricity, water, sewerage, gas, post, telephone, telegraph, local transportation, drainage, collection of refuse and fire protection, and that such public utilities and services shall be supplied on equitable terms.

2. The Rector shall, upon request, make suitable arrangements to enable the appropriate public service bodies to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers within the headquarters seat.

ARTICLE VI

COMMUNICATIONS AND PUBLICATIONS

Section 9

1. All official communications directed to the University, or to any of its personnel at the headquarters seat, and all outward official communications of the University, by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy. Should there be reasonable cause to believe that apparently official communications contain impermissible or dangerous materials, they may be opened by the Japanese authorities in the presence of a representative of the University; provided, however, that no such representative need be present if those materials appear to present an immediate physical danger.

2. In communicating with organs of the United Nations, its specialized agencies, the International Atomic Energy Agency, the research and training centres and programmes of the University, and the experts on missions for the University referred to in article XIII, the University shall have the right to use codes and to dispatch and receive official correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

Section 10

1. The Government recognizes the right of the University freely to publish within Japan, in the fulfilment of its purposes, such publications as the University considers to be of any official character, and the right of the University to determine without interference by the Government the content of any official broadcast programme which it may arrange to be broadcasted in Japan.

2. It is, however, understood that the University shall respect the laws and regulations of Japan and the international conventions to which Japan is a party, relating to intellectual property.

ARTICLE VII
FREEDOM FROM TAXATION

Section 11

1. The University, its assets, income and other property shall be:

(a) exempt from all direct taxes; it is understood, however, that the University will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the University for its official use. It is understood, however, that articles imported under such exemption will not be sold in Japan except under conditions agreed with the Government;

(c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

2. While the University will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the University is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the Government will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE VIII
FINANCIAL FACILITIES

Section 12

1. Without being restricted by financial controls, regulations or moratoria of any kind,

(a) the University may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) the University shall be free to transfer its funds, gold or currency from or to Japan or within Japan and to convert any currency held by it into any other currency.

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

ARTICLE IX
SOCIAL SECURITY

Section 13

1. The University shall be exempt from all compulsory contributions to, and the personnel of the University headquarters shall not be required by the Government to participate in, any social security scheme of Japan.

2. The Government shall, under conditions to be agreed upon, make such provision as may be necessary to enable any member of the personnel of the University headquarters who is not afforded social security coverage by the University to participate, if the University so requests, in any social security scheme of Japan. The

University shall, in so far as possible, arrange, under conditions to be agreed upon, for the participation in the Japanese social security system of those locally recruited members of the personnel of its headquarters who do not participate in the United Nations Joint Staff Pension Fund or to whom the University does not grant social security protection at least equivalent to that offered under the laws and regulations of Japan.

ARTICLE X

TRANSIT AND RESIDENCE

Section 14

1. The Government shall take all necessary measures to facilitate the entry into, sojourn in and transit through Japanese territory of the persons listed below and their spouses and relatives dependent on them, for the purposes of official business of such persons related to the University:

(a) members of the University Council and its subsidiary bodies;

(b) the Rector and other personnel of the University headquarters;

(c) members of advisory bodies set up by the Rector;

(d) officials of the United Nations, of the United Nations Educational, Scientific and Cultural Organization, of another of the specialized agencies or of the International Atomic Energy Agency, attached to the University or having official business with it;

(e) personnel of the research and training centres and programmes of the University, personnel of associated institutions, and persons participating in the programmes of the University;

(f) representatives of other organizations or institutions or other persons invited by the University to the headquarters seat on official business. The University shall notify the Government of the names of such persons and their spouses and relatives dependent on them, together with other relevant data regarding them. The facilities provided for in this paragraph include granting of visas without charge and as promptly as possible, where required for persons referred to in this paragraph.

2. No act performed by any person referred to in paragraph 1 in his official capacity for the purposes and functions of the University shall constitute a reason for preventing his entry into or departure from the territory of Japan or for requiring him to leave such territory.

3. This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the treatment provided for in this section come within the classes described in paragraph 1.

ARTICLE XI

ACADEMIC FREEDOM

Section 15

As provided for in the Charter of the United Nations University, the University enjoys autonomy within the framework of the United Nations and decides freely on the use of the financial resources allocated for the execution of its functions. It shall enjoy the academic freedom required for the achievement of its objectives, with

particular reference to the choice of subjects and methods of research and training, the selection of persons and institutions to share in its tasks, and freedom of expression.

ARTICLE XII

PERSONNEL OF THE UNIVERSITY HEADQUARTERS

Section 16

1. The personnel of the University headquarters who are officials of the United Nations shall enjoy the following privileges and immunities:

(a) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity, such immunity to continue notwithstanding that the persons concerned may have ceased to be personnel of the University headquarters;

(b) exemption from taxation on the salaries and emoluments paid to them by the University;

(c) exemption, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(d) the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government;

(e) the same repatriation facilities, together with their spouses and relatives dependent on them, in time of international crisis as diplomatic envoys; and

(f) the right to import free of duty their furniture and effects at the time of first taking up their post in Japan.

2. In addition to the privileges and immunities specified in paragraph 1, and with respect to the personnel of the University headquarters who are officials of the United Nations, who serve at the level of D-1 or above and who are not nationals of or permanently resident in Japan:

(a) The Government shall accord such personnel the right to import, for personal use, free of customs duties one automobile every three years, and reasonable quantities of foodstuffs, beverages including alcoholic beverages, tobacco and clothing.

(b) Where the incidence of any form of taxation depends upon residence, periods during which such personnel are present in Japan for the discharge of their duties shall not be considered as periods of residence.

(c) Those taxes levied in respect of automobiles acquired and owned by and for the use of such personnel and those levied on gasoline consumed for such automobiles, which shall be agreed upon between the Government and the University, shall be remitted and, for this purpose, the Government shall make appropriate administrative arrangements.

Section 17

In addition to the privileges and immunities specified in section 16, the Rector, if he is not a national of or permanently resident in Japan, shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 18

1. When a person has been appointed as personnel of the University headquarters, the University shall in each case and without delay notify the Government of the names of the person and his spouse and relatives dependent on him who are coming to Japan, and his grade and post in the University headquarters, together with a statement whether or not the person is an official of the United Nations, and other relevant data regarding such person and his spouse and relatives dependent on him who are coming to Japan. The University shall likewise notify the Government, when a person so appointed ceases to be personnel of the University, headquarters or an official of the United Nations, of the date of the cessation and the date of departure from Japan of such person and his spouse and relatives dependent on him.

2. The Government shall not be obligated to extend to any person the privileges and immunities provided by this Agreement for the personnel of the University headquarters or their spouses and relatives dependent on them until the Government has been notified of the appointment of such personnel.

3. The Government shall furnish persons within the scope of this article with an identification card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Japanese authorities.

ARTICLE XIII

EXPERTS ON MISSIONS FOR THE UNIVERSITY

Section 19

Experts (other than personnel of the University headquarters coming within the scope of article XII) performing missions for the University shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connexion with their missions. In particular they shall be accorded:

(a) immunity from personal arrest or detention and from seizure of their personal baggage;

(b) in respect of words spoken or written and acts done by them in the course of the performance of their missions, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the University;

(c) inviolability for all papers, documents and other recording materials;

(d) for the purpose of their communications with the University, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(e) the same repatriation facilities, together with their spouses and relatives dependent on them, in time of international crisis as diplomatic envoys;

(f) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions; and

(g) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Section 20

1. When a person has been appointed as expert on mission for the University and is coming to the University headquarters, the University shall in each case and

without delay notify the Government of the names of the person and his spouse and relatives dependent on him who are coming to Japan and the general purpose of his visit to the University headquarters, together with other relevant data regarding such person and his spouse and relatives dependent on him who are coming to Japan. The University shall likewise notify the Government, when a person so appointed ceases to be an expert on mission for the University, of the date of the cessation and the date of departure from Japan of such person and his spouse and relatives dependent on him.

2. The Government shall not be obligated to extend to any person the privileges and immunities provided by this Agreement for the experts on missions for the University or their spouses and relatives dependent on them until the Government has been notified of the appointment of such experts.

3. The Government shall furnish persons within the scope of this article with an identification card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Japanese authorities.

ARTICLE XIV

SETTLEMENT OF DISPUTES

Section 21

The University shall make provisions for appropriate modes of settlement of:

(a) disputes arising out of contracts or other disputes of a private law character to which the University is a party;

(b) disputes involving any personnel of the University headquarters who by reason of his official position enjoys immunity, if immunity has not been waived by the Rector on behalf of the Secretary-General of the United Nations.

Section 22

1. Any dispute between the Government and the University concerning the interpretation or application of this Agreement or of any supplemental agreement, or any question affecting the headquarters seat or the relationship between the Government and the University, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators: one to be appointed by the Minister for Foreign Affairs of Japan, one to be appointed by the Rector, and the third, who shall be chairman of the tribunal, to be appointed by the first two arbitrators. Should the first two arbitrators fail to agree upon the third within six months following the appointment of the first two arbitrators, such third arbitrator shall be appointed by the President of the International Court of Justice at the request of the Government or the University.

2. The procedure of the arbitration shall be fixed by the arbitrators, and the expenses of the arbitration shall be borne by the parties as assessed by the arbitrators.

3. The Secretary-General of the United Nations or the Government may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of such proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed by both parties. Thereafter, the arbitral tribunal shall render a final decision, having regard to the opinion of the Court.

4. The final decision of the arbitral tribunal shall contain a statement of the reasons on which it is based and shall be accepted by both parties as the final adjudication of the dispute.

ARTICLE XV

GENERAL PROVISIONS

Section 23

Without prejudice to the privileges and immunities accorded by this Agreement, it is the duty of the University and of all persons enjoying such privileges and immunities to observe the laws and regulations of Japan. They also have a duty not to interfere in the internal affairs of Japan.

Section 24

1. The Rector shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this Agreement shall occur, and for this purpose, shall establish such rules and regulations as may be deemed necessary and expedient, for the personnel of the University headquarters and for such other persons as may be appropriate.

2. Should the Government consider that an abuse of a privilege or immunity conferred by this Agreement has occurred, the Rector shall, upon request, consult with the appropriate Japanese authorities to determine whether any such abuse has occurred. If such consultations fail to achieve a result satisfactory to the Government and to the Rector, the matter shall be determined in accordance with the procedure set out in section 22.

Section 25

Privileges and immunities are granted by this Agreement in the interests of the University and not for the personal benefit of the individuals themselves. The Rector on behalf of the Secretary-General of the United Nations shall have the right and the duty to waive the immunity of any individual in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the University. In the case of the Rector, the Secretary-General of the United Nations shall have the right to waive immunity.

Section 26

In the case of abuse of the right of residence committed by any person within the scope of this Agreement in activities in Japan outside his official capacity, he may be required to leave Japan by the Government provided that:

(a) persons who are entitled to diplomatic privileges and immunities, exemptions and facilities under section 17 shall not be required to leave Japan otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to Japan;

(b) in the case of a person to whom section 17 is not applicable, no order to leave Japan shall be issued unless the Minister for Foreign Affairs of Japan has approved and the Rector has previously been informed.

Section 27

This Agreement shall apply to any person within the scope of this Agreement irrespective of whether the Government maintains or does not maintain diplomatic relations with the State to which such person belongs, and irrespective of whether the State to which such person belongs grants a similar privilege or immunity to diplomatic envoys or nationals of Japan.

Section 28

The provisions of this Agreement shall be complementary to the provisions of the General Convention. In so far as any provision of this Agreement and any provision of the General Convention relate to the same subject matter, the two provisions shall, wherever possible, be treated as complementary so that both provisions shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this Agreement shall prevail.

Section 29

Consultations with respect to modification of this Agreement shall be entered into at the request of the United Nations or the Government. Any such modification shall be made by mutual consent.

Section 30

The Government and the University may enter into such supplemental agreements as may be necessary in addition to those provided for in this Agreement.

Section 31

This Agreement shall cease to be in force:

- (a) by mutual consent of the United Nations and the Government; or
- (b) if the permanent headquarters of the University is removed from the territory of Japan, except for such provisions as may be applicable in connexion with the orderly termination of the operations of the University at its permanent headquarters in Japan and the disposal of its property therein.

Section 32

This Agreement shall enter into force on the date on which the Government deposits its instrument of acceptance with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto, have signed this Agreement.

DONE at United Nations Headquarters, in duplicate, in the English language, on this fourteenth day of May, 1976.

For Japan:
Isao ABE

For the United Nations:
Erik SUY

AGREED MINUTES

With reference to section 15 of the Agreement between the United Nations and Japan regarding the headquarters of the United Nations University signed today, the representatives of the United Nations and of the Government of Japan wish to record the understanding that the said section provides for the University academic freedom as guaranteed in Article 23 of the Constitution of Japan.

For the Government of Japan:
Isao ABE

United Nations Headquarters, 14 May 1976
For the United Nations:
Erik SUY

MEMORANDUM OF UNDERSTANDING

In the course of the negotiations between the United Nations and Japan relating to the Agreement regarding the headquarters of the United Nations University,

understandings were reached between the representatives of the parties concerning the interpretation and application of certain provisions of the Agreement. Those understandings are set forth in the present memorandum. They are as follows:

In relation to paragraph 3 of section 3:

The University will take reasonable measures to protect itself in respect of liability to the Government or third parties which may arise from incomplete performance of its obligations of maintenance and reasonable care of the headquarters seat and furnishings and equipment placed at the disposal of the University by the Government, so that there will be no need to invade the University's endowment fund or divert other contributions made for the purposes of its Charter in order to meet such liabilities.

In relation to section 6:

Notwithstanding the inviolability of the headquarters seat and without prejudice to the privileges and immunities of the University, the University will facilitate the apprehension by the Japanese authorities of persons with respect to whom there is cause for detention under the laws of Japan. It will assist those authorities to obtain any physical evidence in the headquarters seat which is necessary for the prosecution of crime, in such a manner as not to lessen its evidentiary value. The Rector will waive the inviolability of the headquarters area when and to the extent necessary for the foregoing purposes.

In relation to section 7:

The Government, in using its best efforts to protect the headquarters seat, need not necessarily establish a permanent police post in the vicinity thereof, though such a measure is not excluded if required by the circumstances. Provided that effective protection is afforded, the size of the force used and the methods of its organization and activity are the exclusive concern of the Japanese authorities.

In relation to section 10:

The Agreement does not give the University the right to establish or operate any broadcasting station in Japan, and Japanese broadcasters will be free to decide whether to comply with any request by the University to make a broadcast.

In relation to section 12, paragraph 1 (d) of section 16 and paragraph (f) of section 19:

The privileges and facilities relating to financial matters and currency exchange that are accorded by section 12, paragraph 1 (d) of section 16 and paragraph (f) of section 19 are without prejudice to the requirements of the laws and regulations of Japan in respect of licences or other authorizations, which will be applied for when required, and will be granted by the Government in accordance with the provisions of the Agreement.

In relation to section 13:

In execution of the provisions of this section, the Government, with the co-operation of the University, will facilitate the application of the laws and regulations of Japan relating to social security in accordance with the conditions and procedures provided therein and with the following provisions, so long as costs and benefits of United Nations social security schemes and of schemes provided in Japanese laws and regulations retain approximately their present degree of equivalence:

- (i) In regard to health insurance, the University will encourage members of the personnel of the University headquarters to participate in a United Nations medical assistance scheme.

- (ii) In regard to pension insurance, members of the personnel of the University headquarters will participate in the United Nations Joint Staff Pension Fund unless such participation is expressly excluded by United Nations regulations or rules or by their terms of appointment; the provisions of section 13, however, will not be construed as precluding the Japanese personnel of the University headquarters from participating in the national pension scheme.
- (iii) In regard to workmen's compensation, members of the personnel of the University headquarters will be covered by the United Nations Rules governing compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the United Nations (Appendix D of the Staff Rules);
- (iv) In regard to employment insurance, as the United Nations does not provide unemployment benefits as such for its staff, the University will not be required to co-operate in affording members of the personnel of the University headquarters coverage by Japanese employment insurance unless the University and the Government so agree.
- (v) The University and the Government will hold consultations as necessary in order to give effect to section 13 and the foregoing provisions of this memorandum.

In relation to section 14:

The University shall not insist on the admission to Japan of any person with respect to whom there are reasonable grounds to believe that he will be a danger to the security or public order of Japan. When either party deems it necessary, the University and the Government will hold consultations with regard to the operation of paragraph 1 of this section.

In relation to paragraph 1 of section 14:

In the case of persons to whom this section applies, other than personnel of the University headquarters (see paragraph 1 of section 18) and experts on mission for the University (see paragraph 1 of section 20), the relevant data to be furnished by the University to the Government are: (i) before the intended entry, the sex, nationality, profession, address, expected date of entry into Japan, and the general purpose of their visit to University headquarters; (ii) as soon as possible after their entry, date of birth and address in Japan; and (iii) if and when available to the University, height and weight and photographs of such persons. The University will also furnish to the Government such of the foregoing data as may be available to it regarding their spouses and relatives dependent on them who are coming to Japan.

In relation to paragraph 1 (f) of section 16:

The articles which may be imported free of duty by personnel of the University headquarters who are officials of the United Nations are: (i) furniture and effects, including automobiles, imported by them at the time of first moving to Japan to take up their post, and/or (ii) furniture and effects, including automobiles, shipped at the expense of the University and imported within 18 months from the date of their first arrival in Japan to take up their post.

In relation to paragraphs 1 (f) and 2 (a) of section 16:

It is understood that articles imported under the exemptions granted by paragraphs 1 (f) and 2 (a) of section 16 will not be sold in Japan except under conditions agreed with the Government.

In relation to paragraph 2 (c) of section 16:

The automobile taxes are:

(i) The motor vehicle tonnage tax, (ii) the gasoline tax, (iii) the local road tax, (iv) the automobile acquisition tax, (v) the automobile tax and (vi) the light motor vehicle tax.

This section will apply only with respect to those automobiles which are registered with the Ministry of Foreign Affairs, the number of which will be limited to one for each of the personnel referred to in the section.

In relation to section 17:

If the Rector holds the rank of Under-Secretary-General or Assistant Secretary-General, the privileges and immunities accorded under this section will be equivalent to those usually accorded to chiefs of diplomatic missions accredited to Japan. In matters of protocol and courtesy, due account will be taken of his status as a high official of the United Nations rather than a member of the diplomatic corps.

In relation to paragraph 1 of section 18:

In the case of persons to whom this section applies, the relevant data to be furnished by the University to the Government are the sex, nationality, date of birth, address, expected date of entry into Japan, and, if and when available to the University, height and weight, expected address in Japan and photographs of such persons. The University will also furnish to the Government such of the foregoing data as may be available to it regarding their spouses and relatives dependent on them who are coming to Japan.

In relation to paragraph 1 of section 20:

In the case of persons to whom this section applies, the relevant data to be furnished by the University to the Government are the sex, nationality, address, expected date of entry into Japan and the general purpose of his visit to University headquarters, and, if and when available to the University, the date of birth, height and weight, expected address in Japan and photographs of such persons. The University will also furnish to the Government such of the foregoing data as may be available to it regarding their spouses and relatives dependent on them who are coming to Japan.

In relation to section 21:

Without prejudice to the immunities of the Rector, or any personnel of the University headquarters to whom the University may assign chauffeur duties, no immunity will be claimed with respect to travel to or from work by a person granted immunities by this Agreement.

United Nations Headquarters, 14 May 1976

*The Representative of the
Government of Japan:*
Isao ABE

*The Representative of the
United Nations:*
Erik SUY

EXCHANGE OF NOTES BETWEEN THE RECTOR OF THE UNITED NATIONS UNIVERSITY
AND THE GOVERNMENT OF JAPAN RELATING TO SECTION 16 (2) (c) OF THE
UNU HEADQUARTERS AGREEMENT

I

Note from the Director General of the United Nations Bureau

18 June 1976

With reference to paragraph 2(c) of section 16 of the Agreement between the United Nations and Japan regarding the headquarters of the United Nations Uni-

versity, I have the honour to confirm on behalf of the Government of Japan the following understanding recently reached between the representatives of the Government of Japan and the United Nations University.

The taxes to be remitted under the said paragraph shall be the motor vehicle tonnage tax, the gasoline tax, the local road tax, the automobile acquisition tax, the automobile tax and the light motor vehicle tax provided for in the relevant Japanese tax laws.

I should be grateful if you would confirm the foregoing understanding on behalf of the United Nations University.

II

Note from the Rector of the United Nations University

18 June 1976

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

[See Note I above]

I have further the honour to confirm on behalf of the United Nations University the understanding set forth in Your Excellency's Note.

(b) Agreement between the United Nations and Argentina concerning arrangements for the Seminar on the Participation of Women in Economic, Political and Social Development, to be held at Buenos Aires from 22 to 30 March 1976.⁵ Signed at New York on 5 December 1975

ARTICLE V

FACILITIES, PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations shall be applicable to the Seminar. Accordingly, the participants and alternates referred to in article II (a), the observers referred to in article II (b), and the officials of the United Nations performing functions in connexion with the holding of the Seminar shall enjoy all the privileges and immunities provided under articles IV, V and VII of the said Convention.

2. Officials of specialized agencies attending the Seminar in accordance with the provisions of article II (c) of this Agreement shall enjoy the privileges and immunities provided under the Convention on the Privileges and Immunities of the Specialized Agencies, articles VI and VIII.

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

4. All the persons enumerated in article II of this Agreement shall be entitled to enter and leave Argentine territory. They shall be granted facilities for speedy travel. Any visas or entry permits which may be required shall be granted without charge, as promptly as possible and not later than 2-1/2 weeks before the opening of the Seminar. If the application for a visa is not made at least 2-1/2 weeks in

⁵ Came into force on the date of signature.

advance of the opening of the Seminar, the visa shall be granted within seven days of receipt of the application.

5. Personnel provided by the Government under article IV of this Agreement shall enjoy immunity from jurisdiction in respect of acts performed by them in the exercise of their official functions at the Seminar, with the exception of those assigned to hourly rates. Such immunity shall not apply in any case of accident caused by a vehicle, vessel or aircraft.

ARTICLE VI

LIABILITY

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

(a) Injury to person, or damage to property, in the premises referred to in article IV, paragraph 3, subparagraphs (a) and (b), above;

(b) Injury to person, or damage to property, caused by or incurred in using the transportation referred to in article IV, paragraph 3, subparagraph (k);

(c) The employment for the Seminar of the personnel referred to in article IV, paragraph 2, paragraph 3, subparagraphs (d), (e), (g) and (h), and paragraph 4.

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

(c) Agreement between the United Nations and Peru concerning arrangements for the second session of the Commission on Transnational Corporations, to be held at Lima from 1 to 12 March 1976.⁶ Signed at New York on 23 February 1976

ARTICLE VII

LIABILITY

The Government shall be responsible for dealing with any action, claim or other demand against the United Nations arising out of:

(a) injury to person, or damage to or loss of property (whether United Nations property or otherwise), in the premises, including damage to the premises, referred to in article II above;

(b) injury to person, or damage to or loss of property caused by, or incurred in using, the transportation referred to in article III above;

(c) the employment of the locally recruited personnel referred to in article V above;

and the Government shall indemnify and hold harmless the United Nations and its personnel in respect of any such action, claim and other demand.

ARTICLE VIII

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, to which the Government of Peru acceded on 24 July 1963, shall be applicable in respect of the Conference.

⁶ Came into force on the date of signature.

2. Representatives of States invited to the Conference shall enjoy the privileges and immunities provided under article IV of the said Convention.

3. 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 under articles V, VI and VII of the said Convention. Representatives of the specialized agencies, the International Atomic Energy Agency or of other intergovernmental organizations invited to the Conference shall enjoy the same privileges and immunities as are accorded to officials of comparable rank of the United Nations.

4. The personnel provided by the Government under article V of the present Agreement shall enjoy 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.

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

6. The Government shall ensure that no impediment is imposed on transit to and from the Conference of the persons referred to in article I of the present Agreement and their families, as well as members of the United Nations Secretariat and experts on mission for the United Nations performing functions in connexion with the Conference and representatives of the press or of other information media accredited by the United Nations at its discretion after consultation with the Government and their families. They shall be granted facilities for speedy travel. Any entry or exit visa required for such persons shall be granted promptly on application and without charge.

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

ARTICLE IX

IMPORT DUTIES AND TAX

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

(d) Exchange of letters constituting an agreement between the United Nations and the Federal Republic of Germany concerning arrangements for the Interregional Seminar on the Management of, and the Development of Mineral Resources in, Coastal Areas of Developing Countries, to be held at Berlin (West) during the first half of 1976.⁷ New York, 24 and 26 February 1976

⁷ Came into force on 26 February 1976.

I

Letter from the Permanent Representative of the Federal Republic of Germany to the United Nations

24 February 1976

I have the honour . . . to submit the following proposals for the organization of the Seminar:

...

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 privileges and immunities provided for in the Convention of 13 February 1946 on the Privileges and Immunities of the United Nations.

(b) Officials of the specialized agencies participating in the Seminar shall enjoy the privileges and immunities provided for in the Convention of 21 November 1947 on the Privileges and Immunities of the Specialized Agencies.

(c) The persons referred to in sub-paragraphs (a) and (b) above shall have the right of unimpeded entry to and exit from the Seminar venue.

(d) Appropriate police protection shall be provided to ensure good order for the proceedings of the Seminar.

4. The Government of the Federal Republic of Germany shall be responsible for dealing with any actions, claims or other demands which may (a) be brought against the United Nations for damage to facilities or premises used during the Seminar proceedings, or (b) arise out of injury or damage to persons or property caused or incurred in using the premises, facilities or transportation referred to under paragraph 1 (b) above or out of the employment of local personnel by the Government of the Federal Republic of Germany; the Government of the Federal Republic of Germany 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 of the Federal Republic of Germany that the injury or damage is attributable to gross negligence or wilful misconduct on the part of the United Nations or its officials.

...

6. This Arrangement shall be valid for the duration of the seminar, including such time before and after the seminar as is required for making the necessary practical arrangements. The Arrangement may be terminated by either party subject to one month's notice.

7. This letter and your letter in reply thereto confirming the above proposals shall . . . constitute an arrangement between the Federal Republic of Germany and the United Nations on convening the United Nations Interregional Seminar on the Management of, and the Development of Mineral Resources in, Coastal Areas of Developing Countries.

II

Letter from the Legal Counsel of the United Nations

26 February 1976

...

I wish to express agreement with the arrangements set forth in your letter of 24 February 1976 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.

- (e) Agreement between the United Nations and Panama concerning arrangements for the First United Nations Regional Cartographic Conference for the Americas, to be held at Panama City from 8 March to 19 March 1976.⁸ Signed at New York on 1 March 1976

ARTICLE VII

LIABILITY

The Government shall be responsible for dealing with any action, claim or other demand arising out of:

(a) injury to person or damage to or loss of property (whether United Nations property or otherwise) in the premises, including damage to the premises, referred to in article II above;

(b) injury to person or property loss or damage caused by, or incurred in using, the transportation referred to in article III above;

(c) the employment of the locally recruited personnel referred to in article V above; and the Government shall indemnify and hold the United Nations and its personnel harmless in respect of any such action, claim or other demand.

ARTICLE VIII

PRIVILEGES AND IMMUNITIES

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

2. Representatives and observers of States attending the Conference shall enjoy the privileges and immunities provided by article IV of the Convention on the Privileges and Immunities of the United Nations.

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

4. Representatives of the specialized agencies at the Conference and representatives of other intergovernmental organizations invited to the Conference shall enjoy the same privileges and immunities as are accorded to officials of comparable rank of the United Nations.

5. Without prejudice to the Convention on the Privileges and Immunities of the United Nations, all persons performing official functions in connexion with the Conference shall be accorded such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Conference.

6. The Government shall impose no impediment to transit to and from the Conference of the following categories of persons attending the Conference, including

⁸ Came into force on the date of signature.

members of their immediate families; representatives of Governments; representatives of specialized agencies and intergovernmental organizations; officials of the United Nations; observers of non-governmental organizations who may be invited to attend the Conference; representatives of the Press or of radio, television, film or other information agencies accredited by the United Nations at its discretion after consultation with the Government; and other persons officially invited to the Conference by the United Nations. Any visa required for such persons shall be granted promptly and without charge.

ARTICLE IX

IMPORT DUTIES AND TAX

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

- (f) Exchange of letters constituting an agreement between the United Nations and Austria regarding the provision of host facilities for the United Nations Interregional Workshop on Training of Trainers, to be held at Vienna from 6 to 12 July 1976.⁹ New York, 24 and 29 March 1976

I

Letter from the Under-Secretary-General, Commissioner for Technical Co-operation

24 March 1976

...

- (a) (i) The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Workshop. The participants referred to in item (i) of the third paragraph of this letter shall enjoy the privileges and immunities accorded to experts on mission for the United Nations by article VI of the Convention. Officials of the United Nations participating in, or performing functions in connexion with, the Workshop shall enjoy the privileges and immunities provided under articles V and VII of the Convention. Officials of the specialized agencies participating in the Workshop shall be accorded the privileges and immunities provided under articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies. Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and persons performing functions in connexion with the Workshop shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Workshop.
- (ii) Personnel provided by the Government pursuant to 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 Workshop with the exception of those who are assigned to hourly rates. Such immunity shall, however, not apply in case of an accident caused by vehicle, vessel or aircraft.

⁹ Came into force on 29 March 1976.

(b) All participants and all persons performing functions in connexion with the Workshop shall have the right of unimpeded entry into and exit from Austria. Visas and entry permits, where required, shall be granted free of charge. When applications are made four weeks before the opening of the Workshop, visas shall be granted not later than two weeks before the opening of the Workshop. If the application is made less than four weeks before the opening of the Workshop, visas shall be granted as speedily as possible and not later than three days before the opening of the Workshop.

(c) It is further understood that your Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of (i) injury or damage to person or property in conference or office premises provided for the Workshop; (ii) the transportation provided by your Government; and (iii) the employment for the Workshop of personnel provided or arranged by your Government; and your Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand.

I propose that your confirmation in writing of the above will constitute the Agreement between the United Nations and the Government of Austria regarding the provision of host facilities by your Government for the United Nations Inter-regional Workshop on Training of Trainers.

II

Letter from the Acting Permanent Representative of Austria to the United Nations
29 March 1976

I have the honour to confirm the content of your letter of March 24, 1976, in particular as to clauses (a), (b) and (c) on privileges and immunities.

My confirmation of the content of your letter constitutes the Agreement between the United Nations and the Government of Austria regarding the provision of host facilities by my Government for the United Nations Interregional Workshop on Training of Trainers.

(g) Agreement between the United Nations and Qatar regarding arrangements for the third session of the Economic Commission for Western Asia.¹⁰
Signed at Doha on 13 April 1976

ARTICLE VII

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations shall fully be applicable with respect to the Conference. In particular, the Government shall accord representatives attending the Conference and all officials of the United Nations the privileges and immunities set forth, respectively, in articles IV and V of the said Convention.

2. Officials of the specialized agencies shall enjoy the privileges and immunities provided under the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Without prejudice to the provisions of the preceding paragraphs, all participants and all persons performing functions in connexion with the Conference shall

¹⁰ Came into force on the date of signature.

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

4. Representatives of member States of the United Nations Economic Commission for Western Asia and representatives or observers from other States Members of the United Nations shall enjoy the privileges and immunities provided in article IV of the Convention on the Privileges and Immunities of the United Nations. Observers of members of the specialized agencies shall enjoy the privileges and immunities provided for representatives in article V of the Convention on the Privileges and Immunities of the Specialized Agencies.

5. All persons referred to in this article and all persons performing functions in connexion with the Conference who are not nationals of Qatar shall have the right of entry and exit from Qatar. 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 not later than two weeks before the date of the opening of the Conference where applications are made at least two and a half weeks before the opening 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. Arrangements will also be made to ensure that visas for the duration of the Conference are delivered at the airport to participants who were unable to obtain them prior to their arrival. 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.

ARTICLE VIII

LIABILITY FOR CLAIMS

The Government shall be responsible for dealing with any action, claims or other demands arising out of (a) injury or damage to person or property in the premises referred to in article I; (b) injury or damage to person or property caused by, or incurred in using the transportation referred to in article III; (c) the employment of the personnel referred to in article V of this Agreement. The Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands except where it is agreed by the United Nations and the Government that such injuries or damages are attributable to any wilful misconduct or gross negligence on the part of the United Nations and/or its personnel.

(h) Agreement between the United Nations and Kenya concerning arrangements for the Fourth Session of the United Nations Conference on Trade and Development, to be held at Nairobi from 3 to 28 May 1976.¹¹
Signed at New York on 26 April 1976

XVI. *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, representatives of States members of the United Nations Conference on Trade and Development attending the Conference, officials of the United Nations performing functions in connexion with the Conference and experts on missions 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 States members, officials, and experts on mission for the United Nations.

¹¹ Came into force on the date of signature.

2. Representatives of the specialized agencies and other intergovernmental organizations attending the Conference shall enjoy the privileges and immunities provided for officials of the specialized agencies under the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Personnel provided by the Government under section II of this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them within the Conference premises in their official capacity in connexion with the Conference, with the exception of those who are assigned to hourly rates. The Secretary-General of UNCTAD shall co-operate at all times with the Government to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the immunities mentioned in this section.

4. Without prejudice to the preceding paragraphs in this section, 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; representatives of specialized agencies and inter-governmental organizations and their immediate families; officials and experts of the United Nations and their immediate families; observers of non-governmental organizations having consultative status with UNCTAD and with the Economic and Social Council of the United Nations.

6. Upon consultation with the Government, transit to and from the Conference of representatives of the press or of radio, television, film or other information agencies accredited by the United Nations and other persons officially invited to the Conference by the United Nations shall not be impeded.

7. All persons referred to in this section, with the exception of those referred to in paragraph 3: shall have the right of entry into and exit from Kenya. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted 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.¹² 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.

8. During the Conference, including the preparatory and final stage of the Conference, the areas made available shall be deemed to constitute United Nations

¹² 1. . . . the United Nations wishes to record that it holds the view, in respect of the provision concerning visas and entry permits in paragraph 7 of section XVI of the Agreement, that such visas and entry permits should be issued free of charge, consistent with the constant practice of the United Nations in the conclusion of headquarters and host country agreements.

2. The United Nations notes that the Government of the Republic of Kenya holds the view that visas and entry permits should be issued either free of charge or with a charge in accordance with the laws and regulations of the Government of the Republic of Kenya.

3. Consultations will be pursued between the United Nations and the Government of the Republic of Kenya with a view to resolving this difference.

premises and shall be subject to the authority of the United Nations. Control of access to these premises in respect of persons other than those referred to in paragraph 5 of this section shall be organized in consultation between the United Nations and the Government.

9. The Government shall allow the 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 entertainment schedule of the Conference. It shall issue without delay to the United Nations any necessary import and export permits.

...

XVIII. *Liability for injury, property loss or damage*

1. Any claim, action or proceedings for damages or loss to the land or premises within the Conference area or in respect of or arising from anything in such area or in respect of any injury to the person suffered within such area shall be the sole responsibility of the Government. The Government agrees to indemnify and hold harmless the United Nations and its personnel from any and all actions, causes of action, claims or other demands arising out of any damage to the premises in the Conference area or of injuries to persons using such premises or of damage to or theft of furniture or equipment provided by the Government, except when it is agreed by the parties hereto that such damage or injury is caused by the gross negligence or wilful misconduct of United Nations personnel.

2. With respect to the transportation referred to in section III of the present Agreement, any claim, action or proceedings for damages or loss to property or in respect of injury to the person arising out of the use of such transportation for the purposes of the Conference shall be the sole responsibility of the Government. The Government agrees to indemnify and hold harmless the United Nations and its personnel from any and all actions, causes of action, claims or other demands arising out of such claims except when it is agreed by the parties hereto that such damage or injury is caused by the gross negligence or wilful misconduct of United Nations personnel.

3. The Government agrees to indemnify and hold 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 II.

4. It is understood that the United Nations will exercise due care in the use of premises and equipment placed at its disposal by the Government.

(i) Exchange of notes constituting an agreement between the United Nations and the Federal Republic of Germany concerning arrangements for the Third United Nations Interregional Seminar on Government Auditing for Senior Government Auditors from Developing Countries, to be held at Berlin (West) from 3 to 21 May 1976.¹³ New York, 9 January, 23 March, 29 and 30 April 1976

I

Letter from the Permanent Representative of the Federal Republic of Germany to the United Nations

23 March 1976

I have the honour... to submit the following proposals for the organization of the Seminar.

¹³ Came into force on 30 April 1976.

...

IV. 1. Representatives of Member States, officials and experts of the United Nations participating in or performing functions in connexion with the Seminar shall enjoy the privileges and immunities provided for in the Convention of 13 February 1946 on the Privileges and Immunities of the United Nations.

2. Officials of the specialized agencies participating in the Seminar shall enjoy the privileges and immunities provided for in the Convention of 21 November 1947 on the Privileges and Immunities of the Specialized Agencies.

3. The persons referred to in sub-paragraphs 1 and 2 above shall have the right of unimpeded entry to and exit from the Seminar venue.

4. Appropriate police protection shall be provided to ensure good order for the proceedings of the Seminar.

V. The Government of the Federal Republic of Germany shall be responsible for dealing with any actions, claims or other demands which may (a) be brought against the United Nations for damage to facilities or premises used during the Seminar proceedings, or (b) arise out of injury or damage to persons or property caused or incurred in using the premises, facilities or transportation referred to under section I (6) above or out of the employment of local personnel by the Government of the Federal Republic of Germany; the Government of the Federal Republic of Germany 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 of the Federal Republic of Germany that the injury or damage is attributable to gross negligence or wilful misconduct on the part of the United Nations or its officials.

...

VII. This Arrangement shall be valid for the duration of the Seminar, including such time before and after the Seminar as is required for making the necessary practical arrangements...

VIII. This letter and your letter in reply thereto confirming the above proposals shall... constitute an Arrangement between the Federal Republic of Germany and the United Nations on convening the Third Interregional Seminar on Government Auditing for Senior Government Auditors from Developing Countries.

II

Letter from the Legal Counsel of the United Nations

29 April 1976

...

Regarding the specific proposals for the organization of the Seminar, contained in your letter of 23 March 1976, I am pleased to state that all the proposals are acceptable to the United Nations on the following understanding:

(a) The locally employed personnel, assigned to the Seminar pursuant to section I of your letter of 23 March 1976, shall enjoy immunity from legal process for their official acts in connexion with the Seminar, and they shall have the right of unimpeded entry to and exit from the venue of the Seminar.

(b) The participants in the Seminar, whose names are listed in the annex attached to this letter [not reproduced], are considered by the United Nations to be experts on mission for the United Nations in the sense of the Convention on the Privileges and Immunities of the United Nations, and they therefore shall enjoy the privileges and immunities set out in article VI of said Convention.

...

If the above understanding is acceptable to your Government, I have the honour to propose that the present exchange of correspondence . . . shall constitute the agreement between the Federal Republic of Germany and the United Nations regarding the arrangements for the Third United Nations Interregional Seminar on Government Auditing for Senior Government Auditors from Developing Countries.

III

Letter from the Acting Permanent Representative of the Federal Republic of Germany to the United Nations

. . . I have the honour to refer to your letter of 29 April 1976 accepting the invitation referred to above and the additional proposals on the following understanding.

[See letter II above]

I confirm this understanding and have the honour to agree to your proposal that the present exchange of correspondence . . . shall constitute the Agreement between the Federal Republic of Germany and the United Nations regarding the arrangements for the Third United Nations Interregional Seminar on Government Auditing for Senior Government Auditors from Developing Countries.

- (j) Agreement between the United Nations (United Nations Development Programme) and Peru regarding the arrangements for the Latin American Meeting on Technical Co-operation among Developing Countries, to be held at Lima from 10 to 15 May 1976.¹⁴ Signed at Lima on 7 May 1976

ARTICLE VIII

COMPENSATION

The Government, and not the United Nations or its officials, shall be responsible for the payment of any compensation, claims or other demands arising out of injury or damage to person or property in the Meeting premises or resulting from the employment of the personnel, furniture, equipment and transport provided for the Meeting by the Government.

CHAPTER III

PRIVILEGES AND IMMUNITIES

ARTICLE IX

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

The Convention on the Privileges and Immunities of the United Nations shall be fully applicable with respect to the Meeting. In particular, the Government shall accord to representatives and observers of the invited Member States and to all officials and experts of the United Nations attending the Meeting the privileges and immunities to which they are entitled as set forth in articles IV, V and VI of the said Convention. Observers and officials of the specialized agencies of the United Nations attending the Meeting shall likewise enjoy the privileges and immunities to which they are entitled in accordance with the relevant provisions of the Convention on the Privileges and Immunities of the United Nations. Without prejudice to the foregoing, all participants and persons performing functions directly connected with the Meeting, including observers of other invited governmental or non-governmental

¹⁴ Came into force on the date of signature.

international organizations and representatives of information media duly accredited by the United Nations shall, provided that they are not nationals of Peru, enjoy such privileges, immunities, facilities and courtesies as are necessary for the exercise of their functions in accordance with the rules and practices of the United Nations.

The Meeting premises shall be under the authority of the United Nations, which shall have the sole right to permit or deny the entry into the Meeting premises, and to eject from the said premises, any person or thing, for which purpose it shall receive the assistance of the law-enforcement authorities in accordance with article X of this Agreement.

ARTICLE XI

FREEDOM OF ACCESS

The Government shall permit the persons referred to in article IX, irrespective of their nationality, to enter Peru, remain in its territory and depart therefrom, during such time as they are exercising their functions in connexion with the Meeting.

ARTICLE XII

VISAS

Any visa which may be required for the entry into Peru or the departure from its territory of the persons referred to in article IX shall be granted as speedily as possible and free of charge.

ARTICLE XIII

DIPLOMATIC POUCH

The Government shall grant to the United Nations pouch diplomatic privileges both between United Nations Headquarters in New York and the Meeting premises in Lima and between the UNDP Liaison Office with the Economic Commission for Latin America in Santiago and the Meeting premises.

ARTICLE XIV

CUSTOMS

Without prejudice to the general conditions laid down in this Agreement, all property belonging to the United Nations and personal baggage belonging to the persons referred to in article IX may be imported into and reexported from Peru, free of any customs duties and other taxes, but may not be sold in the country except in accordance with the regulations laid down by the Peruvian customs authorities.

- (k) Memorandum of Understanding between the United Nations and the United Kingdom of Great Britain and Northern Ireland concerning arrangements for the UN/FAO Training Seminar on the Application of Remote Sensing for National Resources Survey, Planning and Development to be held at Reading University, Berkshire, England, from 22 July to 10 August 1976.¹⁵ Signed at New York on 7 May 1976

ARTICLE V

FACILITIES, PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations will be applicable in respect of the Seminar. Accordingly, officials of the United

¹⁵ Came into force on the date of signature.

Nations performing functions in connexion with the Seminar will enjoy the privileges and immunities provided under articles V and VII of the said Convention.

2. Officials of the specialized agencies attending the Seminar in pursuance of article II (b) of this Memorandum of Understanding will enjoy the privileges and immunities provided under articles VI and VII of the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Participants attending the Seminar in pursuance of article II (a) of this Memorandum of Understanding will be designated by the Secretary-General as experts on mission for the United Nations and enjoy the privileges and immunities provided in article VI of the Convention on the Privileges and Immunities of the United Nations.

4. All persons enumerated in article II of this Memorandum of Understanding and all persons performing functions in connexion with the Seminar who are not nationals of the United Kingdom will be immune from immigration restrictions and aliens registration. They will be granted facilities for speedy travel. No charge will be made for the issue where required of visas or entry permits.

(1) Agreement between the United Nations and Cuba concerning arrangements for the International Seminar on the Eradication of *Apartheid* and in Support of the Struggle for Liberation in South Africa, to be held at Havana from 24 to 28 May 1976.¹⁶ Signed at New York on 24 May 1976

ARTICLE IX

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, to which Cuba acceded on 9 September 1959, shall be applicable with respect to the Seminar. In particular, the Government will accord representatives of States attending the Seminar and all officials of the United Nations connected with the Seminar the privileges and immunities provided in articles IV and V, respectively, of the said Convention.

2. Representatives of the specialized agencies and of other intergovernmental organizations attending the Seminar shall be accorded the privileges and immunities provided in article VI of the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Without prejudice to the Conventions on the Privileges of the United Nations and of the Specialized Agencies, all participants and all persons performing functions in connexion with the Seminar shall be accorded such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Seminar.

4. The area referred to under article II, above, shall be deemed to constitute United Nations premises, access to which shall be under the authority and control of the United Nations.

5. All participants and all persons performing functions in connexion with the Seminar, who are not locally recruited nationals of Cuba, shall have the right of entry into and exit from Cuba. They shall be granted facilities for speedy travel. Visas, where required, shall be granted promptly upon request and free of charge.

6. The Government shall allow the importation, free of duties and taxes, of all equipment and supplies required for the Seminar. It shall issue without delay to the United Nations any necessary import and export permits.

...

¹⁶ Came into force on the date of signature.

ARTICLE XI

LIABILITY

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

(a) injury or damage to person or property in the premises referred to in article IV above;

(b) injury or damage to person or property caused by, or incurred in using, transportation provided by the Government pursuant to article V above;

(c) The employment for the Seminar of the personnel provided by the Government pursuant to articles V, VI, VIII and X above.

2. The Government shall indemnify and hold harmless the United Nations and its personnel in respect of any such action, claim or other demand, except where it is agreed by the United Nations and the Government that such damage or injury is caused by gross negligence or wilful misconduct of United Nations officials.

(m) Agreement between the United Nations and the Ivory Coast concerning arrangements for the first part of the sixty-first session of the Economic and Social Council, to be held at Abidjan from 30 June to 9 July 1976.¹⁷ Signed at New York on 22 June 1976

ARTICLE VII

LIABILITY

The Government shall be responsible for dealing with any action, claim or other demand arising out of:

(a) injury to person or damage to or loss of property (whether United Nations property or otherwise) in the premises, including damage to the premises, referred to in article II above;

(b) injury to person, or damage to or loss of property caused by, or incurred in using, the transportation referred to in article III above;

(c) the employment of the locally recruited personnel referred to in article V above;

and the Government shall indemnify and hold harmless the United Nations and its personnel in respect of any such action, claim or other demand.

ARTICLE VIII

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, to which the Government became a party on 8 December 1961, shall be applicable in respect of the Council session. Accordingly, representatives of States Members of the United Nations or of any other State eligible to be invited to participate in the Council session, officials of the United Nations performing functions in connexion with the Council session and experts on mission for the United Nations at the Council session shall enjoy the privileges and immunities provided under articles IV, V, VI and VII, respectively, of the said Convention.

2. Representatives of the specialized agencies at the Council session shall enjoy the privileges and immunities provided under articles VI and VIII of the Convention

¹⁷ Came into force on the date of signature.

on the Privileges and Immunities of the Specialized Agencies to which the Government acceded on 8 September 1961. Representatives of the International Atomic Energy Agency and representatives of other intergovernmental organizations invited to the Council session shall enjoy the same privileges and immunities as are accorded to officials of comparable rank of the specialized agencies.

3. The personnel provided by the Government under article V of the present Agreement shall enjoy 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 Council session.

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 at the Council session shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Council session.

5. The Government shall ensure that no impediment is imposed on transit to and from the Council session of the persons referred to in article I of the present Agreement and their families, as well as members of the United Nations Secretariat and the experts on mission for the United Nations performing functions in connexion with the Council session and their families, and representatives of the press or of other information media accredited by the United Nations at its discretion after consultation with the Government. They shall be granted facilities for speedy travel. Any entry or exit visa required for such persons shall be granted promptly upon application and without charge.

6. For the purpose of the application of the Convention on the Privileges and Immunities of the United Nations, conference premises shall be deemed to constitute premises of the United Nations and access thereto shall be under the control and authority of the United Nations.

ARTICLE IX

IMPORT DUTIES AND TAX

The Government shall allow the temporary importation and shall waive import duties and taxes for all equipment and supplies necessary for the Council session. It shall issue without delay to the United Nations any necessary import and export permits.

(n) Agreement between the United Nations and the Federal Republic of Germany concerning arrangements for the Joint UN/FAO Interregional Training Seminar on Remote Sensing Application, to be held at Lenggries, from 9 to 20 August 1976.¹⁸ Signed at New York on 2 August 1976

ARTICLE V

FACILITIES, PRIVILEGES AND IMMUNITIES

1. The United Nations shall enjoy the privileges and immunities provided under articles I, II and III of the Convention on the Privileges and Immunities of the United Nations.

2. Participants attending the Seminar in pursuance of article II (a), (b) and (c) of this Agreement shall enjoy the privileges and immunities provided under article VI of the Convention on the Privileges and Immunities of the United Nations.

¹⁸ Came into force on the date of signature.

3. Officials of the United Nations referred to in article II (f) and article III (2) shall enjoy the privileges and immunities provided under articles V and VII of the Convention on the Privileges and Immunities of the United Nations.

4. Officials of the specialized agencies attending the Seminar in pursuance of paragraph (e) of article II of this Agreement shall enjoy the privileges and immunities provided under articles VI and VII of the Convention on the Privileges and Immunities of the Specialized Agencies.

5. In addition, all participants and all persons performing functions in connexion with the Seminar shall enjoy facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Seminar.

6. All participants referred to in article II (a), (c), (e) and (f), shall be granted facilities for speedy travel. 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.

ARTICLE VI

LIABILITY

The Government shall be responsible for dealing with the actions, claims or other demands arising out of (a) injury or damage to persons or property in the premises referred to in article IV 3 (a) and (b) above; (b) injury or damage to persons or property during use of the transportation referred to in article IV 3 (f) and (g); (c) recruitment for the Seminar of the personnel referred to in article IV 2, IV 3 (d), IV 4 and article V 5. The Government of the Federal Republic of Germany 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 of the Federal Republic of Germany that the injury or the damage is attributable to gross negligence or wilful misconduct on the part of the United Nations or its officials.

(o) Agreement between the United Nations and India concerning arrangements for the nineteenth session of the Statistical Commission, to be held at New Delhi from 8 to 19 November 1976.¹⁹ Signed at New York on 14 October 1976

ARTICLE VII

LIABILITY

The Government shall be responsible for dealing with any action, claim or other demand against the United Nations arising out of:

(a) Injury to person, or damage to or loss of property (whether United Nations property or otherwise) in the premises, including damage to the premises, referred to in article II above;

(b) Injury to person, or damage to or loss of property caused by, or incurred in using, the transportation referred to in article III above;

(c) The employment of the locally recruited personnel referred to in article V above; and the Government shall indemnify and hold harmless the United Nations and its personnel in respect of any such action, claim or other demand.

¹⁹ Came into force on the date of signature.

ARTICLE VIII

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, to which the Government of India acceded on 13 May 1948, shall be applicable in respect of the Conference.

2. Representatives of States invited to the Conference shall enjoy the privileges and immunities provided under article IV of the said Convention.

3. 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 under articles V, VI, and VII of the said Convention.

4. Representatives of the specialized agencies shall enjoy the privileges and immunities provided by article VI of the Convention on the Privileges and Immunities of the Specialized Agencies. Representatives of the International Atomic Energy Agency shall enjoy the same privileges and immunities as are accorded to officials of comparable rank of the specialized agencies.

5. The personnel provided by the Government under article V of the present Agreement shall enjoy 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.

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

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

7. The Government shall ensure that no impediment is imposed on transit to and from the Conference of the persons referred to in article I of the present Agreement and their families, as well as members of the United Nations Secretariat and experts on mission for the United Nations performing official functions in connexion with the Conference for the United Nations and their families. They shall be granted facilities for speedy travel. Any entry or exit visa required for such persons shall be granted promptly on application and without charge.

8. For the purpose of the application of the Convention on the Privileges and Immunities of the United Nations, conference premises shall be deemed to constitute premises of the United Nations and access thereto shall be under the control and authority of the United Nations.

ARTICLE IX

IMPORT DUTIES AND TAX

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

- (p) Agreement between the United Nations and Nepal concerning arrangements for the Seminar on the Participation of Women in Political, Economic and Social Development, to be held at Kathmandu from 15 to 22 February 1977.²⁰ Signed at New York on 9 November 1976

ARTICLE V

FACILITIES, PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations shall be applicable to the Seminar. Accordingly, the participants and alternates referred to in article II (a), the observers referred to in article II (b), and the officials of the United Nations performing functions in connexion with the holding of the Seminar shall enjoy all the privileges and immunities provided under articles IV, V and VII of the said Convention.

2. Officials of specialized agencies attending the Seminar in accordance with the provisions of article II (c) of this Agreement shall enjoy the privileges and immunities provided under the Convention on the Privileges and Immunities of the Specialized Agencies, articles VI and VIII.

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

4. All the persons enumerated in article II of this Agreement shall be entitled to enter and leave Nepal territory. They shall be granted facilities for speedy travel. Any visas or entry permits which may be required shall be granted without charge, as promptly as possible and not later than two and a half weeks before the opening of the Seminar. If the application for a visa is not made at least two and a half weeks in advance of the opening of the Seminar, the visa shall be granted within seven days of receipt of the application.

5. Personnel provided by the Government under article IV of this Agreement shall enjoy immunity from jurisdiction in respect of acts performed by them in the exercise of their official functions at the Seminar, with the exception of those assigned to hourly rates. Such immunity shall not apply in any case of accident caused by a vehicle, vessel or aircraft.

ARTICLE VI

LIABILITY

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

(a) Injury to person, or damage to property, in the premises referred to in article IV, paragraph 3, subparagraphs (a) and (b), above;

(b) Injury to person, or damage to property, caused by, or incurred in using, the transportation referred to in article IV, paragraph 3, subparagraph (h);

(c) The employment for the Seminar of the personnel referred to in article IV, paragraph 2, paragraph 3, subparagraphs (d) and (e), and paragraph 4.

2. The Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or demands, except where it is agreed by the

²⁰ Came into force on the date of signature.

parties hereto that such damage, loss or injury is caused by the wilful misconduct or gross negligence of United Nations personnel.

- (q) Agreement between the United Nations and Pakistan concerning arrangements for the United Nations Regional Training Seminar on Remote Sensing Applications, to be held at Karachi on 17 and 18 January 1977.²¹ Signed at New York on 1 December 1976

ARTICLE V

FACILITIES, PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Seminar. Accordingly, officials of the United Nations performing functions in connexion with the Seminar shall enjoy the privileges and immunities provided under articles V and VII of the said Convention.

2. Officials of the specialized agencies attending the Seminar in pursuance of paragraph (c) of article II of this Agreement shall enjoy the privileges and immunities provided under articles VI and VII of the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Participants attending the Seminar in pursuance of article II (a) of this 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.

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.

5. All persons enumerated in article II of this Agreement and all persons performing functions in connexion with the Seminar who are not nationals of Pakistan will be immune from immigration restrictions and aliens registration. They shall be granted facilities for speedy travel. Entry and exit visas, if required, shall be granted free of charge and without delay.

ARTICLE VI

LIABILITY

The Government shall be responsible for dealing with any actions, claims or other demands arising out of (a) injury or damage to persons or property in the premises referred to in article IV 3 (b) and (c) above; (b) injury or damage to persons or property during use of the transportation referred to in article IV 3 (i) and (j); (c) recruitment for the Seminar of the personnel referred to in article IV 3 (c), (e) and (g) and article IV 4 and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands.

- (r) Memorandum of Understanding between the United Nations and Italy concerning arrangements for the International Training Course on Remote Sensing Application, to be held at Rome from 25 October to 12 November 1976.²² Signed at New York on 14 October 1976

²¹ Came into force on the date of signature.

²² Came into force on the date of signature.

ARTICLE V

FACILITIES, PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations will be applicable in respect of the Course. Accordingly, officials of the United Nations performing functions in connexion with the Course and experts invited by the United Nations as instructors under article II (c) above shall enjoy the privileges and immunities provided under articles V, VI and VII respectively of said Convention.

2. Officials of the specialized agencies attending the Course in pursuance of article II (b) above shall enjoy the privileges and immunities provided under articles VI and VIII of the Convention of the Privileges and Immunities of the Specialized Agencies.

3. Participants attending the Course in pursuance of article II (a) above and instructors referred to in article II (d) above shall be considered as experts on mission for the United Nations and enjoy the privileges and immunities provided in article VI of the Convention on the Privileges and Immunities of the United Nations.

4. All persons enumerated in article II of this Memorandum of Understanding and all persons performing functions in connexion with the Course who are not nationals of Italy will be immune from immigration restrictions and aliens registration. They will be granted visa facilities for speedy travel. No charge will be made for the issue where required of visas or entry permits.

3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND: REVISED MODEL AGREEMENT CONCERNING THE ACTIVITIES OF UNICEF²³

ARTICLE VI

CLAIMS AGAINST UNICEF

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

ARTICLE VII

PRIVILEGES AND IMMUNITIES

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

(a) Agreements between the United Nations (United Nations Children's Fund) and the Governments of Guinea Bissau²⁴ and Cape Verde²⁵ concerning assistance from UNICEF. Signed, respectively, at Dakar on 11 February 1976 and Bissau on 26 March 1976, and at Dakar on 1 July 1976 and Praia on 9 July 1976

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

²³ UNICEF *Field Manual*, vol. II, Part IV-2, Appendix A (1 October 1964).

²⁴ Came into force on 26 March 1976.

²⁵ Came into force on 9 July 1976.

- (b) Basic agreement between the United Nations (United Nations Children's Fund) and the Comoros concerning assistance from UNICEF.²⁶ Signed at Moroni on 20 and 27 January 1976

This agreement contains articles similar to articles VI and VII of the revised model agreement except that paragraph 2 of article VI reads as follows:

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

4. AGREEMENTS RELATING TO THE UNITED NATIONS DEVELOPMENT PROGRAMME

- (a) Standard basic agreement concerning assistance by the United Nations Development Programme²⁷

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, p. 25 and 26]

ARTICLE XI

GENERAL PROVISIONS

...

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

²⁶ Came into force on 27 January 1976.

²⁷ Document 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 represents a consolidation of the standard Special Fund, Technical Assistance, Operational Assistance and Office Agreements of the UNDP, which it is designed to replace.

Agreements between the United Nations (United Nations Development Programme) and the Governments of Saudi Arabia,²⁸ Jordan,²⁹ Jamaica,³⁰ the Comoros,³¹ Cape Verde,³² Sao Tome and Principe,³³ Grenada,³⁴ the Libyan Arab Jamahiriya,³⁵ Trinidad and Tobago,³⁶ Zaire,³⁷ Upper Volta,³⁸ the Central African Republic,³⁹ Mongolia,⁴⁰ Equatorial Guinea,⁴¹ Iraq,⁴² the Congo⁴³ and Democratic Yemen⁴⁴ concerning assistance from the United Nations Development Programme. Signed, respectively, at Riyadh on 4 January 1976, at Amman on 12 January 1976, at Kingston on 26 January 1976, at Moroni on 27 January 1976, at Praia on 31 January 1976, at Sao Tome on 26 March 1976, at St. George's on 17 May 1976, at Tripoli on 20 May 1976, at Port of Spain on 20 May 1976, at Kinshasa on 27 May 1976, at Ouagadougou on 19 July 1976, at Bangui on 21 August 1976, at New York on 28 September 1976, at Malabo on 12 October 1976, at Baghdad on 20 October 1976, at Brazzaville on 23 October 1976 and at Aden on 8 November 1976

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

- (b) Agreement between the United Nations (United Nations Development Programme) and Belgium concerning the participation of Belgian citizens in the Programme of the United Nations Volunteers (with annexes).⁴⁵ Signed at Brussels on 23 December 1975 and at Geneva on 4 February 1976

I. GENERAL PROVISIONS

...

(g) during the period of their assignment, volunteers are subject to the standards of conduct and terms of employment of United Nations Volunteers as defined by the Programme of the United Nations Volunteers (Annex I).

Annex I to the Agreement is accompanied with a description of the "Standards of conduct and terms of appointment of the United Nations Volunteers" in which the following paragraphs are to be found under the title "Privileges and immunities":

"17. The Programme of the United Nations Volunteers shall enter into negotiations as appropriate with the host Government in relation to any privileges

²⁸ Applied provisionally from 4 January 1976.

²⁹ Came into force on the date of signature.

³⁰ Applied provisionally from 26 January 1976. Came into force definitely on 11 May 1977.

³¹ Came into force on the date of signature.

³² Applied provisionally from 31 January 1976.

³³ Came into force on the date of signature.

³⁴ Came into force on the date of signature.

³⁵ Applied provisionally from 20 May 1976.

³⁶ Came into force on the date of signature.

³⁷ Applied provisionally from 27 May 1976.

³⁸ Applied provisionally from 19 July 1976.

³⁹ Came into force on the date of signature.

⁴⁰ Came into force on the date of signature.

⁴¹ Came into force on the date of signature.

⁴² Came into force on the date of signature.

⁴³ Applied provisionally from 23 October 1976. Came into force on 2 July 1977.

⁴⁴ Applied provisionally from 8 November 1976.

⁴⁵ Came into force on 4 February 1976.

or immunities which it may be necessary to grant volunteers to enable them to discharge their functions in a satisfactory manner.

“18. The Programme of the United Nations Volunteers may waive the immunity enjoyed by a volunteer where, in its opinion, the immunity could impede the course of justice and may be waived without prejudice to the interests of the Programme”.*

- (c) Standard basic agreement between the United Nations (United Nations Development Programme) and the World Tourism Organization concerning UNDP technical co-operation activities with Governments.⁴⁶ Signed at Madrid on 7 May 1976 and at New York on 15 May 1976

ARTICLE XIII

WAIVER OF IMMUNITIES

In the event that the Executing Agency [the World Tourism Organization] retains the services of operational experts or consultant firms or organizations to assist it in the execution of a technical co-operation activity, the privileges and immunities to which any such operational expert or firm or organization and its personnel may be entitled under any agreement between the UNDP and a Government may be waived by the Executing Agency where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the successful completion of the activity concerned or to the interests of the UNDP or the Executing Agency; the Executing Agency shall waive such immunity in any case in which the UNDP so requests.

5. AGREEMENTS RELATING TO THE WORLD FOOD PROGRAMME

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 Guatemala,⁴⁷ Chile,⁴⁸ Bhutan,⁴⁷ Bangladesh,⁴⁹ Maldives,⁴⁷ Rwanda,⁵⁰ Mozambique,⁵¹ Comoros⁴⁷ and Portugal.⁴⁷ Signed, respectively, at Guatemala on 15 July 1971, at Santiago on 2 April 1974, at New Delhi on 8 May 1974, at Dacca on 29 September and 2 October 1974, at Colombo on 31 January 1975, at Kigali on 12 February and 25 March 1975, at Lourenço Marques on 8 October and 31 October 1975, at Moroni on 5 December 1975 and at Geneva on 10 December 1975

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

* Unofficial translation.

⁴⁶ Came into force on 15 May 1976.

⁴⁷ Came into force on the date of signature.

⁴⁸ Applied provisionally from 2 April 1974; came into force definitively on 5 September 1974.

⁴⁹ Came into force on 2 October 1974.

⁵⁰ Came into force on 25 March 1975.

⁵¹ Came into force on 31 October 1975.

6. AGREEMENTS RELATING TO THE UNITED NATIONS REVOLVING FUND FOR NATURAL RESOURCES EXPLORATION

- (a) Agreement (Natural Resources Exploration Project) between the United Nations (United Nations Revolving Fund for Natural Resources Exploration) and the Sudan.⁵² Signed at Khartoum on 13 July 1976

ARTICLE V

PRIVILEGES AND IMMUNITIES

Section 5.01

The Government shall apply to the Fund and any United Nations organ (including the UNDP and its resident mission in the country of the Government) acting on behalf of the Fund in carrying out the Project or any part thereof, as well as to the Fund's and such organs' officials, property, funds and assets, the provisions of the Convention on the Privileges and Immunities of the United Nations.

Section 5.02

The Government shall apply to any specialized agency acting on behalf of the Fund in carrying out the Project or any part thereof, as well as to such specialized agency's officials, property, funds and assets, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies, including any Annex to such Convention applicable to such specialized agency. In case the IAEA acts on behalf of the Fund in carrying out the project or any part thereof, the Government shall apply to the IAEA and to its officials, property, funds and assets, the Agreement on the Privileges and Immunities of the IAEA.

Section 5.03

In appropriate cases upon request members of the UNDP resident mission in the Government's country acting on behalf of the Fund in carrying out the Project or any part thereof shall be granted such additional privileges and immunities by the Government as may be necessary for the effective carrying out of such functions.

Section 5.04

(a) The Government shall grant all persons, firms or organizations and their staff (other than residents of the territory of the Government) acting on behalf of the Fund, any specialized agency or the IAEA in carrying out the Project or any part thereof who are not covered by sections 5.01 and 5.02 of this Agreement, the same privileges and immunities as officials of the United Nations, the specialized agency concerned or the IAEA under sections 18, 19 or 18, respectively, of the Conventions on the Privileges and Immunities of the United Nations or of the Specialized Agencies, or of the Agreement on the Privileges and Immunities of the IAEA. Nothing in this Agreement shall be construed to limit the privileges, immunities or facilities conferred upon such persons, firms or organizations and their staff in any other instrument.

(b) For the purposes of the instruments on privileges and immunities referred to in paragraph (a) of this section 5.04:

- (i) all papers and documents in the possession or under the control of any person, firm or organization and their staff referred to in such para-

⁵² Came into force on 30 December 1976.

graph (a) relating to the Project or any part thereof shall be deemed to be documents belonging to the United Nations, the specialized agency concerned, or the IAEA, as the case may be; and

- (ii) any equipment, materials and supplies as well as personal and household effects brought into, or purchased, or leased within the territories of the Government by any such person, firm or organization and their staff shall be deemed to be the property of the United Nations, the specialized agency concerned, or the IAEA, as the case may be.

(c) The Government shall exempt any person, firm or organization and their staff referred to in paragraph (a) of this section 5.04 from, or bear the cost of, any taxes, duties, fees or levies imposed under the laws and regulations in effect in its territories or by any political subdivision or agency therein on such person, firm or organization and their staff in respect of any payment made to them in connection with the carrying out of the Project or any part thereof.

(d) The Fund shall keep the Government currently informed about the persons, firms or organizations and their staff to whom the provisions of this section 5.04 shall apply.

ARTICLE VI

GOVERNMENT'S ASSISTANCE TO THE PROJECT

...

Section 6.02

(a) The Government shall take any measures which may be necessary to exempt the Fund, or the United Nations organs, specialized agencies, IAEA, persons, firms or organizations referred to in article V of this Agreement, as the case may be, and their officials or staff, from any laws and regulations in effect in its territories which may interfere with the carrying out of the Project or with the payment to the Fund of any Replenishment Contribution due the Fund hereunder, and shall grant them such other facilities as may be necessary for the speedy and efficient carrying out of the Project.

(b) The Government shall in particular grant to the Fund, or to the United Nations organs, specialized agencies, IAEA, persons, firms or organizations referred to in article V of this Agreement as the case may be, and their officials or staff, the following rights and facilities:

- (i) prompt issuance without cost of necessary visas, licenses or permits;
- (ii) access to any part of the Exploration Area and the Target Area or Areas, whether in public or private ownership;
- (iii) the most favorable legal rate of exchange;
- (iv) any permits necessary for the importation of equipment, materials, supplies, personal and household goods and goods for their personal consumption, and for their subsequent exportation;
- (v) prompt clearance through customs of the items referred to in paragraph (iv) above;
- (vi) exemption from, or reimbursement for, any taxes, fees or charges that might otherwise be payable to a public entity or a private party under the laws and regulations in effect in the Government's territories with respect to the carrying out of the Project; and

- (vii) exemption from any taxes, fees or charges that might otherwise be payable under the laws and regulations in effect in the Government's territories on (A) the payment of any Replenishment Contribution to the Fund or on the transfer thereof to any account outside the Government's territories, or (B) on or in connection with the execution, delivery or registration of this Agreement.

Section 6.03

The Project being carried out for the benefit of the Government and its people, the Government shall bear all risks arising therefrom. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Fund, or against United Nations organs, specialized agencies, IAEA, persons, firms or organizations referred to in article V of this Agreement, as the case may be, and against their officials or staff, and shall indemnify them for any liabilities arising from the carrying out of the Project or any part thereof, provided that the provisions of this section 6.03 shall not apply if the Government and the Fund agree that a liability arises from the wilful misconduct or gross negligence of any such official or staff member. Such indemnification shall include attorney's fees, court costs and other expenses in connection with the defense against, or settlement of, claims on account of such liability.

- (b) Agreement (Natural Resources Exploration Project) between the United Nations (United Nations Revolving Fund for Natural Resources Exploration) and Ecuador.⁵³ Signed at Quito on 20 May 1976

This agreement contains provisions similar to articles V and VI, sections 6.02 and 6.03 of the agreement reproduced under (a) above except that section 5.03 of article V has been omitted and section 6.03 of article VI reads as follows:

"The Government shall be responsible for dealing with any claims which may be brought by third parties against the Fund, or against United Nations organs, specialized agencies, persons, firms or organizations referred to in article V of this Agreement and shall indemnify them against any claims on liabilities arising from the carrying out of the Project or any part thereof, except if the Government and the Fund agree that such claims or liabilities arise from gross negligence or wilful misconduct on the part of the said persons."

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.⁵⁴ APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

In 1976, the following States acceded to the Convention or, if already parties, undertook by a subsequent ratification to apply the provisions of the Convention, in respect of the specialized agencies indicated below:⁵⁵

⁵³ Came into force on 1 August 1976.

⁵⁴ United Nations, *Treaty Series*, vol. 33, p. 261.

⁵⁵ The Convention is in force with regard to each State which deposited an instrument of accession and in respect of specialized agencies indicated therein or in a subsequent notification as from the date of deposit of such instrument or receipt of such notification.

<i>State</i>	<i>Date of receipt of instrument of accession or notification</i>	<i>Specialized agencies</i>
Egypt	Notification 24 May 1976	IFC
Morocco	Notification 3 November 1976	IMF, IBRD, IFC, IDA
Tonga	Notification of succession 17 March 1976	ILO, FAO, ICAO, UNESCO, WHO (second revised text of Annex VII), UPU, ITU, WMO, IMCO (revised text of Annex XII ⁵⁶)

As of 31 December 1976, 83 States were parties to the Convention.⁵⁷

2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

(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 *Juridical Yearbook*, 1972, p. 32) were concluded in 1976 with the governments of the following countries acting as hosts to such sessions:

Australia,⁵⁸ Brazil, Central African Republic, Colombia, Dominican Republic, Egypt, France,⁵⁸ Germany, Federal Republic of, Greece, Honduras, Hungary, India, Japan,⁵⁸ Jordan, Kenya, Morocco, Norway, Peru, Philippines, Portugal, Qatar, Romania,⁵⁸ Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Togo, Tunisia, Turkey, United Kingdom,⁵⁸ United States of America.⁵⁸

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

Agreements concerning specific seminars, courses or study tours, and containing provisions on privileges and immunities of FAO and participants similar to the standard text (published in *Juridical Yearbook*, 1972, p. 33), were concluded in 1976, subject to certain minor variations, with the governments of the following countries acting as hosts to such training courses:

Botswana, Ecuador, Egypt, Finland, India, Iraq, Italy,⁵⁸ Kenya, Mexico,⁵⁸ Peru, Philippines, Senegal, Spain, Sri Lanka, Syria, Turkey, Dominica/United Kingdom, United Republic of Cameroon.

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

1. Exchange of communications between UNESCO and Kenya concerning the legal arrangements for the nineteenth session of the General Conference and

⁵⁶ See *Juridical Yearbook*, 1968, p. 66.

⁵⁷ For the list of those States, see *Multilateral Treaties in respect of which the Secretary-General Performs Depositary Functions* (ST/LEG/SER.D/10, United Nations publication, Sales No. E.77.V.7), p. 40.

⁵⁸ Certain departures from or amendments to the standard text were introduced at the request of the Host Government.

the 100th and 101st sessions of the Executive Board held in Nairobi in 1976⁵⁹

I. *Undated letter addressed to the Director-General by the
Minister of Foreign Affairs of Kenya*

In order to provide the necessary privileges, immunities and facilities for UNESCO and those taking part, in whatever capacity, in the nineteenth session of the General Conference and in the 100th and 101st sessions of the Executive Board, which are to be held in Nairobi in October/November 1976, I have the honour to communicate to you the following essential information regarding the legal arrangements which the Government of the Republic of Kenya proposes to apply in respect of the General Conference and all those taking part in its work.

The Government of the Republic of Kenya will unconditionally apply the provisions of Article XII of the Constitution of UNESCO and those of the Convention on the Privileges and Immunities of the Specialized Agencies and of Annex IV thereof, as approved by the General Conference of UNESCO at its third session, which the Government of the Republic of Kenya has undertaken to apply in respect of UNESCO as from 1st July 1965.

These two instruments will be supplemented as follows:

ARTICLE 1

PREMISES

1. The Government of the Republic of Kenya has arranged for premises to be placed at UNESCO's disposal for the above-mentioned meetings in Nairobi.

2. Any building in or outside of Nairobi which may be used with the concurrence of the Government for meetings shall be temporarily included in the premises mentioned under paragraph 1.

3. The appropriate Kenyan authorities shall take whatever action may be necessary to ensure that UNESCO shall not be dispossessed of all or any part of these premises without the express consent of the Organization.

ARTICLE 2

1. The premises shall be under the control and authority of UNESCO.

2. UNESCO shall have the right to make internal regulations applicable throughout the premises for the purpose of establishing therein conditions in all respects necessary for the execution of its functions.

3. Subject to the provisions of the preceding paragraph, the laws and regulations of the Republic of Kenya shall be applicable in the premises and, except as otherwise provided in this Agreement or in the Convention on the Privileges and Immunities of the Specialized Agencies, the courts or other appropriate organs of the Republic of Kenya shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the premises.

ARTICLE 3

INVIOABILITY

1. The premises shall be inviolable. No officer or official of the Republic of Kenya, or other person exercising any public authority within the Republic of Kenya,

⁵⁹ Came into force on 1 July 1976.

shall enter the premises to perform any duties therein except with the consent of, and under conditions approved by, the Director General. The service of legal process, including the seizure of private property, shall not take place within the premises except with the express consent of and under conditions approved by the Director-General.

2. Without prejudice to the terms of this Agreement, the Organization shall not permit the premises to be used as a refuge by persons who are avoiding arrest under any law of the Republic of Kenya, who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process.

ARTICLE 4

PROTECTION OF THE PREMISES

1. The appropriate Kenyan authorities undertake to protect premises and to maintain order in its immediate vicinity and shall exercise due diligence to ensure that the tranquillity of the premises is not disturbed by any person or group of persons attempting unauthorized entry into or creating disturbances in the immediate vicinity of the premises, and shall provide on the boundaries of the premises such police protection as may be required for these purposes.

2. If so requested by the Director-General, and in accordance with his instructions, the Kenyan authorities shall make available whatever police force may be necessary to maintain order within the premises.

3. UNESCO's archives, property, rights and assets and in general all its documents shall be inviolable, wherever located for the duration of the General Conference and of the sessions of the Executive Board, including the period of preparation and the winding-up period, and shall be protected by the Kenyan authorities.

4. The premises shall be placed at the disposal of UNESCO for a period of time consisting of:

(a) a preparatory period beginning on 25th September 1976;

(b) the duration of the 19th session of the General Conference, beginning on 25th October and ending on 30th November 1976, and of the 101st session of the Executive Board, beginning on 1st and ending on 2nd December 1976.

(c) a winding-up period, lasting approximately a fortnight, after the end of the session of the General Conference.

5. Throughout this period the competent Kenyan authorities shall have the right to carry out necessary maintenance work and installations.

ARTICLE 5

PUBLIC SERVICES

The appropriate Kenyan authorities shall ensure that the premises shall be supplied with the necessary public services, including, without limitation by reason of this enumeration, electricity, water, sewage, gas, post, telephone, telegraph, local transportation, drainage, collection of refuse and fire protection.

ARTICLE 6

PURCHASES AND IMPORTATIONS

1. The Organization shall be exempt from all indirect taxes levied in respect of purchases made or activities undertaken officially by the Organization.

2. The Government of the Republic of Kenya shall allow the importation of, and waive import duties and taxes for all equipment and supplies necessary for the General Conference, including those needed for the official requirement and entertainment schedule of the General Conference. It shall issue without delay to the Organization any necessary import or export permits.

ARTICLE 7

COMMUNICATIONS

1. All official communications directed to UNESCO or to any officials of UNESCO, at the premises, and all outward official communications of UNESCO, by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy.

2. UNESCO shall have the right to use codes and to dispatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

ARTICLE 8

RIGHT TO ENTER AND RESIDE ON KENYAN TERRITORY

1. The Government of the Republic of Kenya undertakes to authorize the following persons to enter Kenya and to stay in Nairobi for the session of the General Conference and for the sessions of the Executive Board:

(a) the delegates of Member States and Associate Members, including alternates, advisers, experts and secretaries;

(b) the Members of the Executive Board of UNESCO, together with their alternates and advisers;

(c) observers from non-member States, from the African liberation movements recognized by the Organization of African Unity and from the Palestine Liberation Organization recognized by the League of Arab States;

(d) permanent delegates accredited to UNESCO;

(e) representatives of the United Nations and of other Specialized Agencies and observers from intergovernmental, semi-governmental or non-governmental international organizations with which UNESCO has official relations, in accordance with the Constitution;

(f) officials of UNESCO and any person engaged by the Organization to take part in the work of the 19th session of the General Conference;

(g) all those invited on official business by the General Conference, the Executive Board or the Director-General of UNESCO;

(h) journalists and representatives of press agencies bearing a letter of accreditation issued by UNESCO's Office of Public Information;

(i) the families (spouses and minor children) of those belonging to the above mentioned categories of persons.

2. Visas, where required for persons referred to in this article, shall be granted without delay and, in respect of persons referred to in subparagraphs (b), (d) and (e), when it concerns the representatives of the United Nations and of other Specialized Agencies, and (f), (g) and (i), when it concerns the families of the foregoing, without charge.

3. The Government of the Kenyan Republic shall place no impediment in the way of the departure from Kenyan territory of the persons referred to in this article.

4. Without prejudice to any special immunities which they may enjoy, the persons mentioned in paragraph 1, may not, during the whole period in which they are performing their duties or missions, including their period of travel on Kenyan territory, be compelled by the Kenyan authorities to leave Kenyan territory, 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. This paragraph shall not apply to any persons who are liable to judicial proceedings for acts performed prior to their entry into the Republic of Kenya.

5. No measures for the expulsion from Kenyan territory of the persons mentioned in paragraph 1 may be taken without the approval of the Minister of Foreign Affairs of the Government of the Republic of Kenya. Before giving his approval, the Minister of Foreign Affairs shall consult the Government concerned in the case of persons mentioned in subparagraphs (a), (b), (c) and (d), and the Director-General in the case of persons mentioned in the other categories.

6. Persons who are entitled to diplomatic privileges and immunities by virtue of this Agreement shall not be required to leave the Republic of Kenya otherwise than in accordance with customary procedure applicable to diplomats accredited to the Government of the Republic of Kenya.

ARTICLE 9

REPRESENTATIVES

1. The delegates of Member States and Associate Members, including their alternates, advisers, experts and secretaries, the Members of the Executive Board together with their alternates and advisers, the observers mentioned in article 8, subparagraph 1 (c), the permanent delegates, the representatives of the United Nations and the Specialized Agencies, shall, during their stay in Kenya and during their journey to and from Kenya, be entitled to the same privileges and immunities as the Government of the Republic of Kenya accords to members, having comparable rank, of diplomatic missions accredited to the Republic of Kenya.

2. These privileges, immunities and facilities shall extend to the spouses and children not of full legal age of the above persons.

3. The President of the General Conference, the heads of delegations of Member States to the General Conference, the chairman of the Executive Board and permanent delegates accredited to the Organization with the rank of ambassador or minister plenipotentiary, the Director-General, the Deputy Director-General and Assistant Director-General of UNESCO shall be assimilated to heads of diplomatic missions.

ARTICLE 10

OFFICIALS

1. Other officials of UNESCO shall, during their stay in Kenya, enjoy the privileges, immunities, facilities and other courtesies granted to equal ranking members of the staff of diplomatic missions accredited to the Kenyan Government, it being understood that the officials having the professional grade P. 5 and above, and such additional categories of officials as may be designated by the Director-General, in agreement with the Government of the Republic of Kenya, shall be accorded

the same privileges and immunities, exemptions and facilities as the Government of the Republic of Kenya accords to members of the diplomatic staff of the diplomatic missions accredited to the Republic of Kenya.

2. The persons mentioned in Article 9 and in the present Article shall be exempt from customs duty on their personal effects and from any tax levied by the customs authorities on entering or leaving Kenyan territory.

ARTICLE 11

FINANCIAL QUESTIONS AND FOREIGN EXCHANGE

1. UNESCO 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 Kenyan territory and from Kenya to another country and vice versa and to convert the foreign exchange which it holds into any other currency.

2. The persons mentioned in Article 8, subparagraphs (a), (b), (c), (d), (e) and (f) of paragraph 1, shall have the right to bring money into Kenya, to exchange it into Kenyan shillings and to exchange it back into its original currency and take it out of Kenya during or after the General Conference. Exchanges shall be at the best rate available to diplomatic missions in Kenya.

ARTICLE 12

This Agreement shall apply irrespective of whether the Government of the Republic of Kenya maintains or does not maintain diplomatic relations with the State concerned and irrespective of whether the State concerned grants a similar privilege or immunity to diplomatic envoys or nationals of the Republic of Kenya.

ARTICLE 13

DAMAGES AND ACCIDENTS

1. Liability for damage caused on the premises or furniture put at UNESCO's disposal for the 19th session of the General Conference or accidents befalling persons on the said premises shall be shared between UNESCO and the Government of the Kenyan Republic in accordance with the following principles:

(a) As long as the premises referred to in Articles 1 to 4 are at UNESCO's disposal, the Government of the Republic of Kenya shall continue to bear the risks of damage to those premises and the furniture therein and shall bear responsibility for any accidents to persons, on the understanding that the Kenyan authorities may take all measures which they judge necessary to ensure the protection in particular against fire or theft of the above-mentioned premises, furniture and persons. Provided that the Kenyan Government shall be absolved of responsibility for any accidents to persons arising out of natural disasters.

(b) The Government of the Republic of Kenya may however claim compensation from UNESCO for any material damage or the refunding of any compensation paid to victims of accidents when such damage or accidents are attributable to a wrongful act committed by officials of the Secretariat or agents of UNESCO.

I should be grateful if you would inform me at your earliest convenience if these provisions appear acceptable to you.

II. *Note verbale dated 9 June 1976 addressed to the Director-General by the Ministry of Foreign Affairs of Kenya*

The Ministry of Foreign Affairs presents its compliments to the Director General of UNESCO and has the honour to refer to a matter already informally discussed between the latter and the representatives of the Government of the Republic of Kenya and affecting the Agreement between UNESCO and the Government of Kenya concerning the hosting of the forthcoming General Conference of UNESCO.

The Government of the Republic of Kenya has given serious thought to the representation made by the Director General and has decided to amend Article 8 (2). As amended the new Article 8 (2) shall read as follows:

“Visas, where required for all persons referred to in this Article, shall be granted without charge and without delay.”

It is proposed that this Note be incorporated into the Agreement. By this incorporation and by the Director General's acceptance of this Note, the said Agreement shall be considered to have been effectively amended.

The Ministry of Foreign Affairs of the Government of the Republic of Kenya avails itself of this opportunity to renew to the Director General of the UNESCO the assurances of its highest consideration.

III. *Letter dated 1 July 1976 addressed to the Minister of Foreign Affairs of Kenya by the Director-General*

I have the honour to refer to your undated letter and to the Note of 9 June 1976, reference no. MFA 33/38/001/73, concerning the legal arrangements which the Government of the Republic of Kenya proposes to apply in respect of the nineteenth session of the General Conference and the 100th and 101st sessions of the Executive Board, to be held in Nairobi in October/November 1976, and with regard to all those taking part therein.

I am pleased to inform you that the provisions contained in the above-mentioned letter and Note are acceptable and I hereby accept them on behalf of the Organization.

This letter and Note, together with my reply, will in consequence constitute an agreement between the Government of the Republic of Kenya and UNESCO, which will come into effect as of the date of this reply.

May I take this opportunity of expressing once again my appreciation of the generous hospitality offered by the Government of the Republic of Kenya for these meetings.

2. Agreement between the Government of the Republic of Venezuela and UNESCO regarding the Regional Centre for Higher Education in Latin America and the Caribbean⁶⁰

The Government of the Republic of Venezuela (hereinafter referred to as “the Government”) and the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as “the Organization”),

Considering that the Organization has decided to establish a Regional Centre for Higher Education in Latin America and the Caribbean (hereinafter referred to as “the Centre”), whose headquarters will be at Caracas in the Republic of Venezuela,

⁶⁰ Applicable in part as from 5 November 1976.

and that it is desirable to specify the legal conditions for operation of the Centre in Venezuela and consequently to specify the privileges and immunities which the Centre and its staff shall enjoy in Venezuela,

Considering that the Organization, which accepted the Convention on the Privileges and Immunities of the Specialized Agencies effective 7 February 1949, intends for its part to conclude this Agreement in conformity with the provisions of section 39 of that Convention,

Have decided to conclude this Agreement and have accordingly agreed as follows:

CHAPTER I

LEGAL PERSONALITY OF THE ORGANIZATION

Article 1

The Government recognizes the legal personality of the Organization and, accordingly, its capacity to enter into contracts of any kind and to acquire and dispose of movable and immovable property necessary for the exercise of its functions. As regards the acquisition of immovable property, the Organization shall comply with the conditions and restrictions established by the law provided for in article 8 of the Constitution of Venezuela. The Organization shall also have the capacity to sue or be sued before the competent courts of the Republic of Venezuela.

CHAPTER II

HEADQUARTERS OF THE CENTRE

Article 2

The headquarters of the Centre shall be under the authority and control of the Organization. The Organization shall have the right to make internal regulations applicable at the headquarters of the Centre and to establish the necessary conditions for operation of the Centre.

Article 3

Subject to the provisions of the preceding paragraph, the relevant laws and regulations of the Republic of Venezuela shall apply at the headquarters of the Centre.

Article 4

Premises forming part of the headquarters of the Centre shall be inviolable. Venezuelan law enforcement agents or government officials, in the performance of their duties, shall not enter such premises save with the consent or at the request of the Director-General of the Organization or the person empowered to exercise his functions and in accordance with conditions approved by him.

Article 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 the Director-General or the person empowered to exercise his functions and in accordance with conditions approved by him.

Article 6

Without prejudice to the terms of this Agreement, the Organization shall not permit the headquarters of the Centre to become a place of asylum for persons who are seeking to avoid arrest under a warrant issued by a competent court of the Republic

of Venezuela or are wanted by the Government or are seeking to avoid a summons to appear in court.

Article 7

The Government undertakes to protect the headquarters of the Centre and to maintain order in its immediate vicinity.

Article 8

The competent Venezuelan 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 for operation of the Centre, such as postal, telephone and telegraph service, public transport, electricity, water and gas supplies, fire protection and collection of refuse.

Article 9

Without prejudice to the provisions of article 16, the Centre shall be granted, in respect of tariffs charged for public services supplied by the Government or public bodies under its control, such reductions as are granted to the Venezuelan 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 Venezuelan administrative services with respect to the restoration of such services.

CHAPTER III

ACCESS TO THE HEADQUARTERS OF THE CENTRE

Article 10

The Government shall guarantee 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.

Article 11

The Government undertakes to authorize, without charge for visas and without delay, the entry into and residence in Venezuelan territory of the following persons for the length of time necessary for the performance 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 committees established at the Centre by the Director-General of the Organization;
- (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 families;
- (f) Persons invited to the headquarters of the Centre on official business.

Article 12

Without prejudice to any special immunities which they may enjoy, the persons mentioned in the preceding article may not, during the whole period in which they

are performing their duties or missions, be compelled by the Government to leave the territory of the Republic of Venezuela, save where they have abused the privileges or immunities accorded to them or have carried out activities unconnected with their duties or missions with the Organization.

Article 13

No measures for the expulsion from Venezuelan territory of the persons mentioned in article 11 may be taken without the approval of the Minister for Foreign Affairs of Venezuela or the person empowered to exercise his functions. Before giving his approval, the Minister for Foreign Affairs shall consult the Director-General of the Organization.

Article 14

In addition, persons who enjoy diplomatic privileges and immunities by virtue of this Agreement may not be required to leave the territory of the Republic of Venezuela save in accordance with the procedure customarily applicable to diplomats accredited to the Government.

Article 15

The persons referred to in article 11 shall not be exempt from any reasonable application of the rules governing quarantine and public health.

CHAPTER IV

ARRANGEMENTS FOR COMMUNICATION

Article 16

In so far as is compatible with any international conventions, regulations and arrangements to which the Republic of Venezuela is a party, the Government 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 the aforementioned means of communication.

Article 17

The Government shall guarantee the inviolability of the official correspondence of the Organization.

Article 18

Official communications, publications, films, negatives, photographs and visual and sound recordings addressed to or dispatched by the Centre, and material displayed at exhibitions which it may organize, shall not be subject to censorship.

Article 19

The Centre may make use of codes and may dispatch and receive correspondence relating to its official activities by courier or sealed pouch; courier and pouch services shall be accorded the same privileges and immunities as diplomatic couriers and pouches.

CHAPTER V

PROPERTY, FUNDS AND ASSETS

Article 20

The Organization, its property and assets, wherever situated 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 waived immunity. However, no waiver shall extend to any measure of execution.

Article 21

The property and assets of the Centre, wherever situated and by whomsoever held, shall be immune from expropriation, confiscation, requisition, sequestration, seizure or any other form of constraint, whether executive, administrative or legislative, save where the temporary application of any such measure may be necessary to prevent accidents involving vehicles belonging to or operated on behalf of the Centre, or where investigations are required following the involvement of such vehicles in traffic accidents.

Article 22

The archives of the Organization and, in general, all documents belonging to or held by it by virtue of its functions shall be inviolable wherever they are situated in the Republic of Venezuela.

Article 23

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

Article 24

The Organization shall be exempt:

(a) From import or export duties on articles imported or exported by it for official use. Articles imported free of duty may not be sold in Venezuelan territory, except on terms approved by the Government;

(b) From the import or export duties applicable to publications, cinematograph films, photographic slides and documents which the Organization may import or produce in the course of its official activities, 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 produce in the exercise of its official activities.

Article 25

The Organization shall pay, under general laws and regulations, indirect taxes which form part of the cost of goods sold or services rendered. Indirect taxes or charges paid in connexion with purchases or operations effected by the Organization in the course of its official activities may be reimbursed under arrangements to be agreed upon by the Government and the Organization.

Article 26

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 maintain accounts, in banks and other similar establishments, in all currencies;

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

Article 27

The competent Venezuelan 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 and the Organization shall regulate, if necessary, the application of this article.

Article 28

In exercising its rights under this chapter, the Organization shall take account of any representations made by the Government, in so far as the Government considers them reasonable and the Organization considers that they can be complied with without prejudice to its own interests.

CHAPTER VI

DIPLOMATIC FACILITIES, PRIVILEGES AND IMMUNITIES

Article 29

Representatives of States members of the Organization at conferences and meetings called by it at the headquarters of the Centre and members, not being nationals of the Republic of Venezuela, of any advisory committees established by the Director-General at the Centre shall enjoy, during their stay in Venezuela 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.

Article 30

Without prejudice to the provisions of Chapter VII, articles 34 and 36, of this Agreement, 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.

Article 31

Without prejudice to the provisions of chapter VII, articles 34 and 36, of this Agreement, the Director of the Centre and officials of the Centre of category P-5, not being nationals of the Republic of Venezuela, and their spouses and dependent children, shall be accorded during their residence in Venezuela the privileges, immunities and facilities and other courtesies accorded to members of foreign diplomatic missions accredited to the Government.

Article 32

The Organization shall, in due course, communicate to the Government the names of the persons mentioned in the preceding article.

Article 33

The immunities provided for in articles 29, 30 and 31 of this chapter are accorded in the interests of the Organization only 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, by the Executive Board of the Organization in respect of the Director-General of the Organization, and by the Director-General of the Organization in respect of the members of any advisory committees established by him and in respect of the other officials of the Organization mentioned in article 31 and their families.

CHAPTER VII

OFFICIALS AND EXPERTS

Article 34

Officials of the Organization assigned to the Centre and other officials of the Organization on official mission with the Centre shall enjoy the following facilities, privileges and immunities:

(a) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) Exemption from taxation on salaries and emoluments paid to them by the Organization;

(c) Subject to the provisions of article 35 of this chapter, exemption from military service and from all other compulsory service in Venezuela;

(d) Exemption from immigration restrictions and registration provisions relating to foreigners; this exemption shall also apply to their spouses and dependent members of their families;

(e) The same facilities with regard to foreign exchange, as are granted to members of diplomatic missions accredited to the Government;

(f) The same facilities for repatriation, for themselves, their spouses and dependent members of their families, as are granted to members of diplomatic missions accredited to the Government in time of international crisis;

(g) The right, provided that they are not resident in Venezuela, to import free of duty their furniture and personal effects at the time of their establishment in Venezuela;

(h) They may import into the country, free of duty, a passenger car intended for their personal use, on the conditions laid down by the relevant laws, regulations and orders applicable in Venezuela and after complying with the formalities presented by those laws, regulations and orders;

(i) They may import, on conditions to be determined by agreement between the Government and the Organization, certain property, effects and household equipment intended for their personal use. The definition of the property, effects and equipment, and the conditions of their resale in the territory of the Republic of Venezuela, shall be subject to the provisions of Venezuelan laws and regulations concerning the matter.

Article 35

Venezuelan officials of the Centre are not exempt from military service or any other compulsory service in Venezuela. 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 Venezuelan authorities may, in case of mobilization, be assigned to special duties in accordance with Venezuelan law. The Venezuelan authorities shall, on the request of the Organization and in case of a call-up for national service applicable to other officials of Venezuelan nationality, grant such temporary deferments as may be necessary to avoid the interruption of work considered essential.

Article 36

The privileges and immunities specified in this chapter are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-General shall therefore agree to waive the privileges and immunities granted to an official in any case in which the enjoyment of such privileges and immunities would impede the course of justice, provided that this action does not prejudice the interests of the Organization.

Article 37

While performing functions or engaged on mission on behalf of the Centre, experts other than the officials mentioned in article 34 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 or detention and seizure of personal luggage;

(b) Immunity from judicial process in respect of words spoken or written and all acts done by them in the performance of their official functions; 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 with regard to foreign exchange as are granted to officials of foreign Governments on temporary official mission.

Article 38

The Organization shall, in due course, communicate to the Government the names of the persons to whom this chapter applies.

Article 39

The Organization shall lend its full support to the competent Venezuelan authorities in order to facilitate the proper administration of justice, ensure the due carrying out of the laws and regulations of the country relating to the maintenance of public order and avoid any abuse in the enjoyment of the immunities, exemptions and privileges, provided for in this Agreement.

CHAPTER VIII

LAISSEZ-PASSER

Article 40

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

CHAPTER IX

SETTLEMENT OF DISPUTES

Article 41

The Organization shall make the necessary provision for appropriate modes of settlement of:

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

Article 42

Any dispute between the Government and the Organization 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 Republic of Venezuela, and the third chosen by agreement between the parties or, if the parties cannot agree, by the President of the International Court of Justice. The decision of the tribunal shall be final.

CHAPTER X

FINAL PROVISIONS

Article 43

The Government and the Organization may conclude such supplementary agreements as are necessary in the field covered by this Agreement.

Article 44

This Agreement shall enter into force on the date on which the Government notifies the Organization in writing that the Agreement has received legislative approval in accordance with the constitutional and legislative practices of Venezuela. Notwithstanding the foregoing, this Agreement shall apply as from the date of signature with respect to such of its parts as can be implemented under the provisions of Venezuelan domestic law.

Article 45

This Agreement and any supplementary agreement concluded between the Government and the Organization in accordance with its provisions shall cease to have effect 12 months after the date on which one of the Contracting Parties notifies the other in writing of its decision to terminate the Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed two original copies of this Agreement, one in Spanish and the other in French, at Nairobi on 5 November 1976.

*For the United Nations Educational,
Scientific and Cultural Organization:*
[Signature]

*For the Government of the
Republic of Venezuela:*
[Signature]

4. INTERNATIONAL BANK FOR RECONSTRUCTION
AND DEVELOPMENT

Articles of Agreement of the International Bank for Reconstruction and Development.⁶¹ Signed at Washington on 27 December 1945

Letter dated 6 January 1976 from the State Secretary of Finance of the Netherlands to the International Bank for Reconstruction and Development concerning the tax exemption in the Netherlands, under Article VII, Section 9, of the Articles of Agreement of the Bank, of investments made on behalf of the Staff Retirement Plan of the Bank

Through the intermediary of the financial attaché of the Netherlands Embassy in Washington I received your request to confirm the tax exemptions of the International Bank for Reconstruction and Development (the Bank), with respect to investments in non-U.S. funds made by Fiduciary Trust S.A., Geneva, on behalf of the Staff Retirement Plan of the Bank.

I confirm that under Article VII, Section 9 of the Articles of Agreement of the International Bank for Reconstruction and Development, investments made on behalf of the Staff Retirement Plan of the Bank and the income of the Bank therefrom are immune from all taxation in the Netherlands.

⁶¹ United Nations, *Treaty Series*, vol. 2, p. 134.

The exemption from dividend tax will be carried out by means of restitution of the tax withheld from the dividends on securities owned by the Bank. For this purpose the manager of the investments, Fiduciary Trust S.A., will have to file an application for refund of tax, if desired after each payment of dividend, but preferably once every six months relative to the tax withheld in the preceding six months. Evidence of the tax withheld and the ownership of the Bank of the securities will have to be enclosed . . .

The exemption from stock-exchange tax (*beursbelasting*) will [also] be carried out by means of restitution . . .

The State Secretary of Finance,
M. J. VAN ROOIJEN
For the State Secretary,
The Director-General for Fiscal Affairs,
[Signature]

5. INTERNATIONAL ATOMIC ENERGY AGENCY

1. Agreement on the Privileges and Immunities of the International Atomic Energy Agency,⁶² approved by the Board of Governors of the Agency on 1 July 1959

(a) Deposit of Instrument of Acceptance.

The following Member State accepted the Agreement on the Privileges and Immunities of the International Atomic Energy Agency in 1976, on the date as indicated:⁶³

Mongolia⁶⁴ 12 January 1976

(b) This brought up to 46 the number of States parties to this Agreement.

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

(a) Application of safeguards in connection with the NPT

Agreement and Protocol of 24 September 1971, between Uruguay and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons. Article 10. Entered into force on 17 September 1976. (INFCIRC/157, Corr.1, Add.1. INFCIRC/160, Add.1.).

Agreement between Nicaragua and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on Non-Proliferation of Nuclear Weapons. Article 10. Entered into force on 29 December 1976. (INFCIRC/ . . .).

⁶² United Nations, *Treaty Series*, vol. 374, p. 147.

⁶³ The Agreement enters into force as between the Agency and the accepting State on the date of deposit of the Instrument of Acceptance.

⁶⁴ With the following reservation:

"The Mongolian People's Republic does not consider itself bound by the provisions of Sections 26 and 34 of the Agreement concerning the jurisdiction of the International Court of Justice. The Mongolian People's Republic considers that any dispute arising out of the interpretation and application of the Agreement should be referred to the International Court of Justice with the consent of all parties to the dispute in each individual case. This reservation applies equally to the provision of Section 34 which states that the opinion given by the Court shall be accepted as decisive by the parties."

(b) Trilateral safeguard agreements

Agreement of 26 February 1976 between the Agency, Brazil and the Federal Republic of Germany relating to the agreement of 27 June 1975 between the two Governments for co-operation in the peaceful uses of nuclear energy. Article 18. Entered into force on 26 February 1976. (INFCIRC/237).

Agreement of 18 March 1976 between the Agency, France and Pakistan for the application of safeguards with respect to a fuel reprocessing plant and to nuclear material, facilities, equipment and relevant technological information supplied by France to Pakistan for the development of peaceful uses of nuclear energy. Article 20. Entered into force on 18 March 1976. (INFCIRC/239).

(c) Agreements in the form of exchange of letters, relating to Conferences, Symposia, and Seminars

Exchange of letters between the Government of the Federal Republic of Germany and the International Atomic Energy Agency concerning the 6th International Conference on Plasma Physics and Nuclear Fusion Research (6-13 October 1976). Date of the Director General's letter, 24 November 1975, date of acceptance by Host Government, 14 April 1976.

Exchange of letters between the Government of Finland and the International Atomic Energy Agency concerning the International Symposium on the Design of and Equipment for Hot Laboratories (2-6 August 1976). Date of the Director General's letter, 19 November 1975, date of acceptance by Host Government, 6 February 1976.

Exchange of letters between the Government of the Federal Republic of Germany and the International Atomic Energy Agency concerning the FAO/IAEA Agrochimica Symposium on Soil Organic Matter Studies (6-10 September 1976). Date of the Director General's letter, 23 December 1975, date of acceptance by Host Government, 14 April 1976.

Exchange of letters between the Government of Indonesia and the International Atomic Energy Agency concerning the Regional Seminar on the Utilization of Research Reactors (23-27 August 1976). Date of the Director General's letter, 21 January 1976, date of acceptance by Host Government 12 March 1976.
