

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1977

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	xxi
ABBREVIATIONS	xxii

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 14 December 1977 on the granting of privileges and immunities to international organizations	3
2. <i>Ghana</i> Note dated 3 May 1978 from the Permanent Mission of Ghana to the United Nations transmitting information received from the Government of Ghana regarding legislation relating to privileges and immunities of the United Nations and its specialized agencies	8
3. <i>United Kingdom of Great Britain and Northern Ireland</i> (a) The International Fund for Agricultural Development (Immunities and Privileges) Order 1977	8
(b) The International Monetary Fund (Immunities and Privileges) Order 1977	11
4. <i>United States of America</i> Executive Order 11966 of 19 January 1977 designating certain public international organizations entitled to enjoy certain privileges, exemptions and immunities	12

CHAPTER II. TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

A. TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS

1. Convention on the Privileges and Immunities of the United Nations. Approved by the General Assembly of the United Nations on 13 February 1946	14
2. Agreements relating to meetings and installations	14
3. Agreements relating to the United Nations Children's Fund: Revised model agreement concerning the activities of UNICEF	29
4. Agreements relating to the United Nations Development Programme: Standard basic agreement concerning assistance by the United Nations Development Programme	30

CONTENTS (continued)

	<i>Page</i>
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	33
2. International Labour Organisation	34
3. Food and Agriculture Organization of the United Nations	36
4. United Nations Educational, Scientific and Cultural Organization	36
5. World Health Organization	37
6. International Atomic Energy Agency	37
7. General Agreement on Tariffs and Trade	39
 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	
1. Disarmament and related matters	43
2. Other political and security questions	50
3. Economic, social and humanitarian activities	55
4. Third United Nations Conference on the Law of the Sea	61
5. International Court of Justice	64
6. International Law Commission	65
7. United Nations Commission on International Trade Law	66
8. Other legal questions	68
9. United Nations Institute for Training and Research	71
 B. GENERAL REVIEW OF THE ACTIVITIES OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS	
1. International Labour Organisation	71
2. Food and Agriculture Organization of the United Nations	73
3. United Nations Educational, Scientific and Cultural Organization	78
4. International Civil Aviation Organization	82
5. World Health Organization	84
6. World Bank	85
7. International Monetary Fund	86
8. International Telecommunication Union	90
9. World Meteorological Organization	90

Chapter II

TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

A. Treaty provisions concerning the legal status of the United Nations

1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS.¹ APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 FEBRUARY 1946

The following States acceded to the Convention on the Privileges and Immunities of the United Nations in 1977:²

<i>State</i>	<i>Date of receipt of instrument of accession³</i>
Bahamas	17 March 1977 d
Sudan	21 March 1977

This brought up to 114 the number of States parties to this Convention.

2. AGREEMENTS RELATING TO MEETINGS AND INSTALLATIONS

- (a) Interim Arrangement on Privileges and Immunities of the United Nations concluded between the Secretary-General of the United Nations and the Swiss Federal Council.⁴ Signed at Berne on 11 June 1946 and at New York on 1 July 1946

Letter dated 29 June 1977 from the Permanent Observer of Switzerland to the United Nations

I have just received the reply of the Swiss authorities to the request you addressed to this Mission on 14 January last concerning exemption from the federal *droit de timbre* for the United Nations Joint Staff Pension Fund. In this connexion, I have the honour to inform you that the United Nations is exempt from the *droit de timbre de négociation*. This exemption derives from article II, section 5, paragraph (a), of the Headquarters Agreement concluded in 1946 and applies to the United Nations Joint Staff Pension

¹ United Nations, *Treaty Series*, vol. 1, p. 5.

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

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

⁴ United Nations Legislative Series, *Legislative Texts and Treaty Provisions concerning the Legal Status, Privileges and Immunities of International Organizations*, vol. I (ST/LEG/SER.B/10 — Sales No. 60.V.2), p. 196.

Fund, although it is not stated therein that the latter enjoys the same privileges and immunities as the Organization itself.

As a result of this situation, the Federal Tax Administration is prepared to exempt the aforementioned Fund from the *droit de timbre de négociation*; the Fund is thus entitled to request reimbursement of the amounts it has paid in that connexion, on presentation of the relevant documents.

- (b) Agreement between the United Nations and Argentina concerning arrangements for the United Nations Water Conference, to be held at Mar del Plata, Argentina, from 14 to 25 March 1977.⁵ Signed at New York on 7 January 1977

Article IX

LIABILITY

1. 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 other) in the premises referred to in Article IV above, including damage to those premises;

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

(c) the employment of the locally recruited personnel referred to in Article VII above;

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

2. The Government shall be subrogated to the rights and remedies of the United Nations in respect of any action, causes of action, claims or other demands referred to in paragraph 1 of this Article, except that it is understood that the Government shall not be subrogated to the immunity from legal process enjoyed by the United Nations.

Article X

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, to which the Government acceded in 12 October 1956, shall be applicable in respect of the Conference.

2. Representatives of States invited to the Conference, officials of the United Nations performing functions in connexion with the Conference and experts on mission for the United Nations at the Conference shall enjoy the privileges and immunities provided under Articles IV, V, VI and VII respectively, of the said Convention in respect of the Conference.

3. Representatives of the specialized agencies at the Conference shall enjoy the privileges and immunities provided under Articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies to which the Government acceded on 10 October 1963. Representatives of the International Atomic Energy Agency at the Conference shall enjoy the privileges and immunities provided under Articles VI and IX

⁵ Came into force on the date of signature.

of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency to which the Government acceded on 15 October 1963. Representatives of other intergovernmental organizations invited to the Conference as observers shall enjoy the same privileges and immunities as are accorded to officials of comparable rank of the specialized agencies.

4. Observers invited by the United Nations and referred to in Article I (e) and (f) shall, in respect of words spoken or written and acts done by them in connexion with the Conference, be immune from legal process of every kind. They shall be accorded such facilities as are necessary for the independent exercise of their functions in connexion with the Conference.

5. The personnel provided by the Government under Article VII of the present Agreement with the exception of those assigned to hourly rates 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. Such immunity shall not apply in any case of accident caused by a vehicle, vessel or aircraft.

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 in connexion with 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 site of the Conference of the following categories of persons:

- (a) the persons referred to in Article I of the present Agreement and their families;
- (b) representatives of the press or of other information media referred to in Article II of the present Agreement;
- (c) members of the United Nations Secretariat and experts on mission for the United Nations performing functions in connexion with the Conference, and their families;
- (d) other persons officially invited to the Conference by the Secretary-General of the United Nations.

They shall be permitted to enter or leave the country without delay. Any visa required by Argentine law for such persons shall be granted promptly on application and without charge.

8. Persons officially invited to the Conference by the Government shall be given access to the Conference area by the United Nations.

9. 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 XI

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.

- (c) Memorandum of Understanding between the United Nations and Italy on the second international training course on remote sensing applications for agriculture, to be held in Rome, Italy, from 25 April to 13 May 1977.⁶

⁶ Came into force on the date of signature.

Signed at New York on 23 March 1977

This Memorandum of Understanding contains an article similar to article V of the memorandum of understanding between the United Nations and Italy, reproduced on p. 47 of the *Juridical Yearbook*, 1976.

- (d) Agreement between the United Nations and Austria regarding the arrangements for the fifteenth session of the United Nations Committee on the Elimination of Racial Discrimination, to be held in Vienna from 28 March to 15 April 1977.⁷
Signed at Geneva on 28 March 1977

Article XIII

PRIVILEGES AND IMMUNITIES

1. The provisions relating to privileges and immunities in the Agreement between the United Nations and the Republic of Austria regarding the Headquarters of the UNIDO shall be applicable with regard to the conference. The Convention on the Privileges and Immunities of the United Nations is hereby not affected.

2. Members of the Committee, observers for States Parties to the Convention, invited to attend the conference, officials of the United Nations performing functions in connection with the conference, experts on mission for the United Nations at the conference and representatives of the specialized agencies, the International Atomic Energy Agency and other intergovernmental organizations invited to attend the conference shall enjoy the same privileges and immunities as are accorded to the representatives to meetings of the UNIDO and to officials of the UNIDO under the Agreement outlined in paragraph 1.

3. Without prejudice to the provisions of paragraph 2 of this Article, observers invited by the United Nations to attend the conference shall enjoy immunity from legal process in respect of words spoken or written or any act performed by them in their official capacity in connection with the conference.

4. Personnel provided by the Government under Article XI of this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the conference 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.

5. Without prejudice to the preceding paragraphs of this Article, representatives of non-governmental organizations invited by the United Nations to the conference 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 connection with the conference.

6. The Government shall ensure that no impediment is imposed on transit to and from the conference of the following categories of persons invited by the United Nations to attend the Conference: Members of the Committee, observers for States Parties to the Convention and their immediate families; officials and experts of the United Nations and their immediate families; observers invited to the conference and their immediate families; observers of non-governmental organizations invited to the conference and their immediate families; representatives of the press or of radio, television, film or other information agencies accredited by the United Nations in its discretion after consultation with the Government and other persons officially invited to the conference by the United Nations.

7. All persons referred to in this Article and all persons performing functions in connection with the conference who are not nationals of Austria shall have the right of

⁷ Came into force on the date of signature.

entry into and exit from Austria. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and, when applications are made at least 2½ weeks before the opening of the conference, not later than two weeks before the date of the opening of the conference. If the application for the visa is not made at least 2½ weeks before the opening of the conference, the visa shall be granted not later than three days from the receipt of the application.

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

Article XIV

LIABILITY

1. The Government shall be responsible for dealing with any actions, claims or other demands against the United Nations or its personnel and arising out of:

(a) injury or damage to person or property on the premises referred to in Articles III, IV and V above;

(b) injury or damage to person or property caused by, or incurred in using, the transport services referred to in Article X above;

(c) the employment for the session of the personnel referred to in Article XI above.

2. The Government shall hold harmless the United Nations and its personnel in respect of any such actions, claims or other demands.

(e) Agreement between the United Nations and Nigeria for the World Conference for Action against *Apartheid* to be held at Lagos, Nigeria, from 22 to 26 August 1977.⁸ Signed at New York on 31 March 1977

This agreement contains articles similar to articles IX and XI of an agreement between the United Nations and Cuba, reproduced on p. 41 of the *Juridical Yearbook*, 1976.

(f) Agreement between the United Nations and Austria regarding the arrangements for the United Nations Conference on Succession of States in Respect of Treaties.⁹ Signed at Geneva on 1 April 1977

This agreement contains articles similar to articles XIII and XIV of the agreement referred to under (d) above.

(g) Agreement between the United Nations and Austria regarding the arrangements for the tenth session of the United Nations Commission on International Trade Law to be held at Vienna from 23 May to 17 June 1977.¹⁰ Signed at Geneva on 6 May 1977

This agreement contains articles similar to articles XIII and XIV of the agreement referred to under (d) above.

⁸ Came into force on the date of signature.

⁹ Came into force on the date of signature.

¹⁰ Came into force on the date of signature.

- (h) Agreement between the United Nations and the Philippines regarding arrangements for the third session of the World Food Council of the United Nations, to be held at Metro Manila, Philippines, from 20 to 24 June 1977.¹¹ Signed at Rome on 12 May 1977

Article X

LIABILITY

The Government shall be responsible for dealing with any actions, claims or other demands against the United Nations arising out of: (a) injury or damage to person or property in the premises referred to in Article III above; (b) injury or damage to person or property caused by, or incurred in using, the transport services referred to in Article VI above; (c) the employment for the Session of the personnel provided by the Government to perform functions in connexion with the Session. The Government shall indemnify and hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands. The United Nations shall co-operate with the Government to enable it to discharge its responsibilities under this Article.

Article XI

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 and the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, to which Conventions the Government is a party, shall be applicable in respect of the Session.

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

3. Officials of the United Nations performing official duties at the Session shall enjoy the privileges and immunities provided by Articles V and VII of the Convention on the Privileges and Immunities of the United Nations. The local personnel provided by the Government to perform functions in connexion with the Session shall enjoy only immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity in connexion with the Session.

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

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

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

7. For the purpose of the application of the Convention on the Privileges and Immunities of the United Nations, the conference premises referred to in Article III

¹¹ Came into force on the date of signature.

above shall be deemed to constitute premises of the United Nations and access thereto shall be under the control and authority of the United Nations.

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

Article XII

IMPORT DUTIES AND TAX

1. The Government shall allow the temporary importation tax and duty-free of all equipment, including technical equipment accompanying representatives of information media, and shall waive import duties and taxes on supplies necessary for the Session.

2. The Government hereby waives import and export permits for the supplies needed for the Session and certified by the United Nations to be required for official use at the Session.

- (i) Exchange of letters constituting an agreement between the United Nations and the United States of America regarding the arrangements for the United Nations *Ad Hoc* Meeting of experts on expeditious and equitable handling of criminal cases, to be held at Reno, Nevada, from 23 to 27 May 1977.¹² New York, 19 May 1977

I

Letter from the Director, General Legal Division Office of legal Affairs of the United Nations

19 May 1977

I am writing to you regarding an invitation received by the United Nations from . . . [the] Dean of the National College of the State Judiciary, University of Nevada, to host an *ad hoc* expert group meeting to be convened under the auspices of the United Nations.

. . .

(a) Officials of the United Nations Secretariat performing functions in connexion with the meeting shall enjoy the privileges and immunities provided for such individuals under the Convention on the Privileges and Immunities of the United Nations or in the United States International Organizations Immunities Act, Public Law 291, 79th Congress, as amended;

(b) Experts on mission for the United Nations performing functions in connexion with the meeting shall enjoy the privileges and immunities provided for such individuals under the Convention on the Privileges and Immunities of the United Nations;

(c) With respect to the issuance of visas and entry to the site of the meeting, the United States Government accepts the same obligations which it has under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations.

. . .

I hope that this proposal by the United Nations is acceptable to your Government and should be grateful if you would let me have your comments at your earliest convenience.

¹² Came into force on 19 May 1977.

II

*Letter from the Director, General Legal Division
Office of Legal Affairs of the United Nations*

19 May 1977

I wish to refer to my letter of today's date addressed to yourself regarding the arrangements for the meeting of an *ad hoc* expert group at the College of the State Judiciary, University of Nevada, during the latter part of May 1977.

In this connexion I wish to inform you that for the purposes of the meeting those participants in the meeting, whose names are listed in the annex, are considered experts on mission for the United Nations, and as such shall enjoy the privileges and immunities provided by Article VI of the Convention on the Privileges and Immunities of the United Nations.

Annex

[Not reproduced.]

III

*Letter from the Adviser, Legal Affairs
United States Mission to the United Nations*

19 May 1977

This is to advise you that the United States agrees with the terms and conditions contained in your letter of May 19 concerning the *ad hoc* expert meeting in Nevada.

- (j) Agreement between the United Nations and Austria regarding the arrangements for the twentieth session of the United Nations Committee on the Peaceful Uses of Outer Space, to be held in Vienna, Austria, from 20 June to 1 July 1977.¹³ Signed at Geneva on 1 June 1977

This agreement contains articles similar to articles XIII and XIV of the agreement referred to under (d) above.

- (k) Agreement between the United Nations and Ghana relating to their continued support for the Regional Institute for Population Studies established in Accra in February 1972.¹⁴ Signed at Accra on 14 July 1977

Article VII

COOPERATION OF THE GOVERNMENT

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

¹³ Came into force on the date of signature.

¹⁴ Came into force on 14 July 1977 with retroactive effect from 1 July 1977, the date of expiry of the agreement between the United Nations and the Government of Ghana relating to the establishment of a Regional Institute for Demographic Training and Research signed at Accra on 3 December 1971.

Article VIII

FACILITIES, PRIVILEGES AND IMMUNITIES

1. Scientific apparatus, equipment and educational materials, articles and provisions (such as calculating machines, books, films, etc.) procured for the Institute shall be imported without restrictions or prohibitions and shall be exempted from custom duties and other duties or taxes. It is understood, however, that such articles and goods shall not be sold or traded in the Republic of Ghana except under conditions agreed by the Government.

2. Officials of the United Nations performing functions in connection with the Institute shall enjoy the privileges and immunities provided under Articles V and VII of the Convention on Privileges and Immunities of the United Nations, and the members of the Governing Council and of the Advisory Committee designated by the United Nations who are not otherwise officials of the United Nations or the Specialized Agencies, shall enjoy the privileges and immunities under Article VI of the Convention. The members of the teaching staff provided by the United Nations also shall enjoy the privileges and immunities under Article VI of the Convention, if they are not officials of the United Nations or of the specialized agencies.

3. Without prejudice to the foregoing provision, the Government undertakes to accord all members of the Governing Council and of the Advisory Committee such facilities and courtesies as are necessary for the exercise of their functions in connection with the Institute.

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

(d) Agreement between the United Nations and the Philippines concerning arrangements for the fourteenth session of the Committee for Co-ordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas, to be held at Manila, Philippines, from 21 September to 4 October 1977.¹⁵ Signed at Manila on 30 August 1977

Article VII

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, to which the Government became a party on 24 October 1945, shall be fully applicable with respect to the Conference.

2. Representatives of Members and Co-operating Members of the CCOP and representatives or observers from other States Members of the United Nations shall enjoy 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.

3. Officials of the United Nations and experts performing functions for the United Nations at the Conference shall enjoy the privileges and immunities set forth, respectively, in Articles V, VI and VII of the said Convention.

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

¹⁵ Came into force on the date of signature.

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

5. All persons referred to in this article and all persons performing functions in connexion with the Conference who are not nationals of the Philippines shall have the right of entry into and exit from the Philippines. 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 when 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 actions, claims or other demands arising out of:

(a) injury to person or damage to or loss of property in 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 IV above;

(c) the employment of the personnel referred to in Article VI above;

and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands.

(m) Agreement between the United Nations and the Philippines concerning arrangements for the Seminar on Generation and Maturation of Hydrocarbons in Sedimentary Basins to be held at Manila, Philippines, from 12 to 19 September 1977.¹⁶ Signed at Manila on 30 August 1977

This agreement contains articles similar to articles VII and VIII of the agreement referred to under (k) above.

(n) Agreement between the United Nations and Canada concerning the Headquarters and operations of the United Nations Audio-Visual Information Centre on Human Settlements.¹⁷ Signed at New York on 27 September 1977

PREAMBLE

Whereas Habitat: United Nations Conference on Human Settlements (hereinafter referred to as "the Conference"), by resolution 5 of 11 June 1976, expressed its appreciation for the offer of the University of British Columbia to provide the necessary services and facilities for the storage, maintenance, distribution and augmentation of the audio-visual materials prepared for the Conference, and authorized the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General") to enter into an arrangement

¹⁶ Came into force on the date of signature.

¹⁷ Came into force on the date of signature.

with the University for the temporary care and custody of the audio-visual materials, pending a decision of the General Assembly of the United Nations as to their future use;

Whereas an arrangement was concluded for this purpose on 12 June 1976 between the United Nations and the University of British Columbia, which arrangement was extended three times and is due to expire on 30 September 1977;

Whereas the General Assembly, by resolution 31/115 of 16 December 1976, decided to establish the United Nations Audio-Visual Information Centre on Human Settlements (hereinafter referred to as "the Centre") and authorized the Secretary-General to conclude an agreement with the appropriate Canadian authorities for the provision of the necessary facilities and financial support to enable the Centre to carry out its responsibilities for the custody, reproduction and international distribution, until 31 March 1980, of the audio-visual materials entrusted to the Centre;

Whereas the Government of Canada is providing financial support for the programme and the operations of the Centre for the period of 31 March 1980 and in co-operation with the Government of British Columbia and in conjunction with the University of British Columbia the necessary equipment and facilities for the Centre during the same period;

Now therefore the United Nations and the Government of Canada, for the purpose of carrying out the objectives set out in the aforementioned resolutions, have agreed as follows:

Article I

PREMISES AND FACILITIES OF THE CENTRE

The Centre shall be located on the campus of the University of British Columbia, Vancouver, B.C., Canada, in adequate premises to be provided by the Government of the province of British Columbia in conjunction with the University of British Columbia. The Government of Canada shall make proper arrangements with the University of British Columbia and the Government of the province of British Columbia for providing to the Centre, free of charge to the United Nations, the necessary equipment and facilities required for the Centre's operations until 31 March 1980.

Article II

The Government of Canada hereby undertakes to provide up to a maximum of CDN \$3,452,000 to enable the Centre to carry out its responsibilities for the custody, reproduction and international distribution, until 31 March 1980, of the audio-visual materials prepared for the Conference or subsequently provided to the United Nations. The aforementioned sum includes monies made available since the Conference for the purposes just stated and for the emoluments for the Director. The Canadian contribution shall be made available in Canada.

Article III

ADMINISTRATION OF THE CENTRE AND MANAGEMENT OF ITS PROGRAMME

1. Until the establishment by the General Assembly of any new United Nations intergovernmental arrangements at the global level in the field of human settlements that will, *inter alia*, create a governing body of the Centre and provide guidance to the Director with respect to the administration of the Centre and the preparation and implementation of its programme, the Secretary-General shall establish an Advisory Committee of the Centre, consisting of representatives of the competent units of the Secretariat of the United Nations,

representatives and experts designated by the Government of Canada and, as appropriate, independent experts of international standing in the field of human settlements.

2. The specific functions of the Advisory Committee will be to review and evaluate the annual work programme and budget of the Centre and to recommend appropriate policies to implement the programme with a view to carrying out the objectives of the Centre in accordance with the pertinent United Nations resolutions and policies.

3. Should the General Assembly establish any new United Nations intergovernmental arrangements at the global level in the field of human settlements and should these include, *inter alia*, a governing body of the Centre, any references in this Agreement to the Advisory Committee shall be taken to mean that governing body.

4. The Director of the Centre shall be appointed by the Government of Canada upon the recommendation of the Secretary-General and shall serve at the pleasure of the Government of Canada and of the Secretary-General. He shall be designated as United Nations Special Representative for the Centre and, as such, be responsible to the Secretary-General in the exercise of functions under this Agreement.

5. The Director shall be responsible, under the over-all policy guidance of the Advisory Committee of the Centre, for the administration of the Centre and the management of its programme. He shall report, as appropriate, to the Secretary-General and to the Advisory Committee on the operations of the Centre and the use which is being made of the audio-visual materials in its custody. He shall prepare, in consultation with the United Nations Offices concerned, an annual work programme and budget of the Centre for review by the Advisory Committee and for submission to the Government of Canada and to the Secretary-General, and shall maintain monthly statements of accounts and such other information as may be appropriate to indicate the current financial position of the Centre.

6. The Director shall appoint the members of the staff of the Centre.

Article IV

OBTAINING OF COPYRIGHTS AND PRINTING MATERIALS

The United Nations shall use its best efforts to obtain, from the governmental and other authorities that contributed the audio-visual materials in the custody of the Centre, the necessary distribution rights and clearances, including the original printing materials, international copyrights, permission to reprint, re-edit and distribute, so as to permit the Centre to make the widest and most effective use of such materials.

Article V

USE OF UNITED NATIONS SECRETARIAT FACILITIES

The facilities and services of all appropriate units of the United Nations Secretariat throughout the world shall be made available for the purpose of aiding and facilitating the use and distribution of the audio-visual materials in the custody of the Centre to interested Governments, organizations and individuals.

Article VI

LIAISON OFFICER

The Secretary-General shall appoint a Liaison Officer at United Nations Headquarters to maintain regular contact with the Centre, to represent the Centre at United Nations Headquarters and, in particular, to assist in carrying out the activities referred to in articles IV and V above.

Article VII

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations (hereinafter referred to as "the Convention") will apply in respect of the Centre.

2. For the purposes of sections 2, 3, 4 and 7, respectively, of the Convention, the expressions "assets", "archives" and "publications" shall include audio-visual materials in the custody of the Centre. The immunity from censorship provided under section 9 of the Convention shall extend to audio-visual materials in the custody of the Centre. Incoming and outgoing audio-visual materials to and from the Centre shall be exempt from all customs duties and quantitative restrictions. No delays shall be imposed on the entry or exit of such materials.

3. The Secretary-General shall designate the Director of the Centre, in his capacity as United Nations Special Representative, as having the status of an expert on mission for the United Nations within the meaning of article VI of the Convention; the Secretary-General may similarly designate other members of the staff of the Centre as having the status of experts on mission.

4. Other members of the staff of the Centre shall, in respect of their functions, enjoy the privileges and immunities provided for in section 22 (b) of the Convention. Such immunity, however, shall not apply in case of a traffic accident.

5. The Secretary-General shall communicate to the Canadian authorities the list of the members of the staff of the Centre referred to in paragraphs 3 and 4 of this article.

6. In addition to the exemption from immigration restrictions granted to persons specified in articles IV, V and VI of the Convention on the Privileges and Immunities of the United Nations, other persons officially invited by the Director of the Centre or who have official business with the Centre shall be granted any visa required by Canadian law promptly upon application. Where necessary, the United Nations will furnish official invitees with a certificate, pursuant to section 26 of the Convention, that they are travelling on official business of the United Nations.

Article VIII

LIABILITY

The Director shall make appropriate arrangements for insurance to cover liability for dealing with any action, claim or other demand that may be brought against the Centre arising out of the operations of the Centre.

Article IX

SETTLEMENT OF DISPUTES

Any dispute between the United Nations and the Government of Canada concerning the interpretation or application of this Agreement, or any question affecting the Centre or the relationship between the Centre and the Government of Canada, 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 Secretary-General, one to be appointed by the Government of Canada, and the third, who shall be chairman of the tribunal, to be appointed by the first two arbitrators. Should either party fail to appoint its arbitrator within two months of the appointment of the other party's arbitrator, or if the first two arbitrators fail to agree upon the third within six months following the appointment of the first two arbitrators, the President of the International Court of Justice shall, at the request of either party, designate any necessary arbitrator. The procedure of the arbi-

tration shall be determined by the tribunal, all of whose decisions shall require a majority vote.

Article X

ENTRY INTO FORCE, DURATION AND AMENDMENT OF THE AGREEMENT

1. This Agreement shall enter into force upon signature and shall remain in force until the 31st day of March 1980.

2. This Agreement may be modified by agreement between the parties. Each party shall give full and sympathetic consideration to any request from the other party for such modification. If, in the opinion of either party, decisions taken by the General Assembly with respect to institutional arrangements for international co-operation in the field of human settlements make it necessary or desirable to amend any provision of this Agreement with a view to adapting it to such decisions, the parties shall, at the request of either, enter into consultations with a view to determining by mutual consent what amendments would be necessary for this purpose. Irrespective of the provisions of the preceding sentence, the provisions of this Agreement shall be subject to review in 1979.

3. This Agreement may be terminated by either party, by means of a written notice of termination to the other party, which shall take effect six months after its receipt by the other party. Upon termination of the Agreement any uncommitted funds which have been provided by the Government of Canada to the Centre, other than those required for winding up the operations of the Centre, shall revert to the Government of Canada.

IN WITNESS WHEREOF the undersigned, duly authorized representatives of the United Nations and of the Government of Canada, respectively, have signed this Agreement.

DONE in duplicate at New York on the twenty-seventh day of September, 1977, in the English and French languages, both versions being equally authentic.

For the United Nations
(Signed) Kurt WALDHEIM
Secretary-General

For the Government of Canada
(Signed) DONALD C. JAMIESON
Secretary of State for External Affairs

- (o) Agreement between the United Nations and Bolivia concerning arrangements for the United Nations/FAO Regional Training Seminar on Remote Sensing Applications from Satellite, to be held at La Paz, Bolivia, from 1 to 9 December 1977.¹⁸ Signed at New York on 7 October 1977

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 (d) of Article II of this Agreement shall enjoy the privileges and immunities provided under Articles VI and VIII 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.

¹⁸ Came into force on the date of signature.

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 Bolivia 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 (a) and (b) 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 (b), (d), (f) 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.

(p) Agreement between the United Nations and the Federal Republic of Germany concerning arrangements for the European Regional Preparatory Meeting for the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to be held at Bonn, Federal Republic of Germany, from 10 to 14 October 1977.¹⁹ Signed at New York on 7 October 1977

Article V

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946, shall be applicable in respect of the Meeting. In particular, the representatives of States participating in the Meeting pursuant to Article I (a) and (b) of this Agreement shall enjoy the privileges and immunities provided under Article IV of the Convention, the officials of the United Nations participating in the meeting pursuant to Article I (c) of this Agreement shall enjoy the privileges and immunities provided under Article V of the Convention, and the observers participating in the Meeting pursuant to Article I (e), (f) and (g) of this Agreement shall enjoy the privileges and immunities provided for experts on mission for the United Nations under Article VI of the Convention.

2. Participants attending the Meeting in pursuance of Article I, (d) of this Agreement shall enjoy the privileges and immunities provided under the Convention dated 21 November 1947 on the Privileges and Immunities of the Specialized Agencies of the United Nations.

3. In addition, all participants and all persons performing functions in connexion with the Meeting shall in accordance with applicable law, enjoy such facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Meeting.

4. All participants referred to in Article I shall be granted entry and exit facilities which will permit them to arrange for speedy travel to and from the Meeting. In this

¹⁹ Came into force on the date of signature.

connexion, exit and entry visas, when required, shall be granted free of charge, as speedily as possible and within eight days of an application being made. Exit permits, when required, shall be granted free of charge and without delay.²⁰

...

Article VII

LIABILITY FOR CLAIMS

Included among the costs to be borne by the Government is the cost of reasonable insurance premiums for appropriate insurance coverage contracted by the United Nations with respect to the following risks:

- (a) Personal injury or damage to property in the premises referred to in Article IV, para. (2) (a);
- (b) The recruitment and/or the exercise of the functions of the personnel of the Meeting referred to in Article IV, para. (1);
- (c) The transport referred to in Article IV (3) (b).

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

Article VI

CLAIMS AGAINST UNICEF

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

Article VII

PRIVILEGES AND IMMUNITIES

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

Agreements between the United Nations (United Nations Children's Fund) and the Governments of Papua-New-Guinea²² and Mozambique²³ concerning assistance from UNICEF. Signed, respectively, at Manila on 31 March 1977 and at Maputo on 12 May 1977

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

²⁰ The following statement was made by the Permanent Representative of the Federal Republic of Germany on the occasion of the signing of the above Agreement:

"With reference to the States mentioned in Article V of the Agreement, I should like, on behalf of the Government of the Federal Republic of Germany, to draw attention to a difficulty which may arise in the event that the courts in the Federal Republic of Germany should question the applicability of this Agreement to States other than States members of the United Nations on the ground that no legal basis exists in that respect under domestic law."

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

²² Came into force on the date of signature.

²³ Came into force on the date of signature.

4. AGREEMENTS RELATING TO THE UNITED NATIONS DEVELOPMENT PROGRAMME: STANDARD BASIC AGREEMENT CONCERNING ASSISTANCE BY THE UNITED NATIONS DEVELOPMENT PROGRAMME²⁴

Article III

EXECUTION OF PROJECTS

...

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

...

Article IX

PRIVILEGES AND IMMUNITIES

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

Article X

FACILITIES FOR EXECUTION OF UNDP ASSISTANCE

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

Article XI

GENERAL PROVISIONS

...

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

- (a) Agreements between the United Nations (United Nations Development Programme) and the Governments of Mozambique²⁵, Portugal²⁶, the United Arab Emirates²⁷, Rwanda²⁸, Togo²⁹, Yemen³⁰, Uganda³¹, Niger³², Guyana³³, Somalia³⁴, Malawi³⁵, Algeria³⁶, Paraguay³⁷, Chad³⁸, Swaziland³⁹, Seychelles⁴⁰, and Sierra Leone⁴¹, concerning assistance from the United Nations Development Programme. Signed, respectively, at Maputo on 15 September 1976, at New York on 22 December 1976, at Abu Dhabi on 19 January 1977, at Kigali on 2 Feb-

²⁴ 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.

²⁵ Came into force on the date of signature.

²⁶ Came into force on the date of signature.

²⁷ Came into force on the date of signature.

²⁸ Came into force on the date of signature.

²⁹ Came into force on the date of signature.

³⁰ Came into force on the date of signature.

³¹ Came into force on the date of signature.

³² Came into force on the date of signature.

³³ Came into force on the date of signature.

³⁴ Applied provisionally from 16 May 1977.

³⁵ Came into force on the date of signature.

³⁶ Came into force on the date of signature.

³⁷ Applied provisionally from 7 October 1977.

³⁸ Came into force on the date of signature.

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.

ruary 1977, at Lomé on 21 March 1977, at San'a on 11 April 1977, at Kampala on 29 April 1977, at Niamey on 2 May 1977, at Georgetown on 3 May 1977, at Mogadiscio on 16 May 1977, at New York on 15 July 1977, at Algiers on 20 July 1977, at New York on 7 October 1977, at New York on 14 October 1977, at Mbabane on 28 October 1977, at Victoria on 18 November 1977 and at Freetown on 21 December 1977

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

- (b) Agreement between the United Nations (United Nations Development Programme) and Liberia concerning assistance from the United Nations Development Programme.⁴² Signed at Monrovia on 27 April 1977

This agreement contains provisions similar to articles III, 5, IX, X and XII of the standard basic agreement and is accompanied by the following exchange of letters:

I

Letter from the Minister for Foreign Affairs of Liberia

Monrovia
24 January 1977

I have the honour to refer to the new UNDP Standard Basic Agreement regulating the Government of Liberia and UNDP working relations to be executed between the Government of Liberia and the UNDP, and to advise that my Government proposes, in accordance with the established practice of granting diplomatic immunities and privileges only to heads of missions and diplomatic agents or personnel of related status, that Article IX, subparagraph 4(a) of the above-mentioned Agreement be amended to read as follows:

“Except as the parties may otherwise agree in project documents relating to specific projects, the Government shall grant all persons, other than Government nationals and aliens employed locally, performing services on behalf of the UNDP, a specialized agency or the IAEA who are not covered by paragraphs 1 and 2 above 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”.

If this proposal is acceptable to the UNDP, this Note and your reply concurring therein shall constitute an amendment to the aforementioned agreement.

...

II

Letter from the Resident Representative of the United Nations Development Programme

Monrovia
21 April 1977

I have the honour to refer to your letter of 24 January 1977 regarding the signing of the new UNDP Standard Basic Assistance Agreement regulating the Government of Liberia and UNDP working relations and wish to state that UNDP is in full concurrence with the amendment suggested by you in the Note attached to your above-referenced letter concerning Article IX, sub-paragraph 4(a) of the Agreement.

⁴² Applied provisionally from 27 April 1977.

As previously recommended by UNDP your Note and this reply agreeing to the contents of your Note shall constitute an amendment to the Standard Basic Agreement, specifically as regards the non-privileged status of aliens locally employed by UNDP or any other UN mission in Liberia. Accordingly, by appending your Note and this letter to the signed new Standard Basic Assistance Agreement, the amendment proposed by you in the text under Article IX, sub-paragraph 4(a) stands formally accepted.

- (c) Agreement between the United Nations (United Nations Development Programme) and the Philippines concerning assistance from the United Nations Development Programme.⁴³ Signed at New York on 21 July 1977

This agreement contains provisions similar to articles III, 5, IX, X and XII of the standard basic agreement and is accompanied by the following exchange of letters:

I

Letter from the Permanent Representative of the Philippines to the United Nations

21 July 1977

I have the honour to refer to the Agreement signed today by and between the Government of the Philippines (the Government) and the United Nations Development Programme (UNDP) concerning assistance by the UNDP to the development projects of the Government.

I have the honour to place on record the following understandings of my Government with respect to the provisions of the Agreement:

...

3. The Parties shall review the provisions of the Agreement on privileges and immunities at a time in the future convenient to both of them.

...

If the foregoing understandings are also those of the UNDP, I have the honour to suggest that this letter and your reply in that sense should be regarded as constituting an Agreement placing on record the understandings of the Parties in the matter.

II

Letter from the Administrator, United Nations Development Programme

21 July 1977

I have the honour to refer to the Agreement concerning assistance from the United Nations Development Programme (UNDP) to the development projects of the Government of the Philippines signed today by the Government and the UNDP, and to acknowledge receipt of your letter of even date, placing on record certain understandings of the Parties with respect to the Agreement, which letter reads as follows:

[See letter I.]

I have the honour to inform you that the foregoing understandings are also those of the UNDP, which therefore agrees that your letter and this reply should be regarded as constituting an Agreement placing on record the understandings of the Parties in the matter.

⁴³ Came into force on 12 December 1977.

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.⁴⁴ APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

(a) Status of the Convention

In 1977, the following States acceded to the Convention or, if already parties, undertook by a subsequent notification to apply the provisions of the Convention, in respect of the specialized agencies indicated below:⁴⁵

<i>State</i>		<i>Date of receipt of instrument of accession or notification</i>	<i>Specialized agencies</i>
Bahamas	Notification of Succession	17 March 1977	ILO, FAO, ICAO, UNESCO, WHO (second revised text of Annex VII), UPU, ITU, WMO, IMCO (revised text of Annex XII) ⁴⁶
Greece	Accession	21 June 1977	ILO, FAO (second revised text of Annex II) ⁴⁷ , ICAO, UNESCO, IMF, IBRD, WHO (third revised text of Annex VII), UPU, ITU, WMO, IMCO (revised text of Annex XII) ⁴⁶ , IFC, IDA
Republic of Korea	Accession	13 May 1977	FAO (second revised text of Annex II) ⁴⁷ , ICAO, UNESCO, IMF, IBRD, WHO (third revised text of Annex VII), UPU, ITU, WMO
Uruguay	Accession	29 December 1977	ILO, FAO, ICAO, UNESCO, IMF, IBRD, WHO, UPU, ITU

As of 31 December 1977, 87 States were parties to the Convention.⁴⁸

(b) Letter dated 22 December 1977 from the Permanent Representative of the Federal Republic of Germany to the United Nations

In reply to your letter of 27 April 1977 concerning two notices for turnover or added-value tax, issued by the Hamburg Revenue Office for Corporations, I am now in

⁴⁴ United Nations, *Treaty Series*, vol. 33, p. 261.

⁴⁵ 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.

⁴⁶ See *Juridical Yearbook*, 1968, p. 66.

⁴⁷ See *Juridical Yearbook*, 1965, p. 48.

⁴⁸ For the list of those States, see *Multilateral Treaties in respect of which the Secretary-General performs Depositary Functions* (ST/LEG/SER.D/11, United Nations publication, Sales No. E.78.V.6), p. 40.

a position to transmit to you the following reply from the competent Federal authorities:

"The Revenue Office for Corporations in Hamburg assessed UNICEF for turnover tax for the calendar years 1969 and 1974 in respect of licences granted by UNICEF to the Norddeutscher and Westdeutscher Rundfunk on a royalty basis. The view expressed by the Revenue Office that neither the Statutory Order concerning the Granting of Privileges and Immunities to the United Nations of 16 June 1970⁴⁹ nor the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations of 21 November 1947 apply to UNICEF revenue is correct. However, from the review of the case conducted upon my instruction it emerged that UNICEF as a permanent body of the UN General Assembly has the status of a corporation under public law and has not obtained the revenue in question from gainful commercial activity. As a result, no turnover tax can be collected from UNICEF under the provision of the Federal Turnover Tax Law. The Fiscal Department of the City of Hamburg therefore instructed the competent revenue office to cancel the tax assessment. UNICEF is thus not liable to the Federal Government for turnover tax."

2. INTERNATIONAL LABOUR ORGANISATION

Agreement between the International Labour Organisation and the Government of the Ivory Coast concerning the establishment of an office of the Organisation in Abidjan.⁵⁰ Signed at Abidjan on 30 October 1977

PREAMBLE

Whereas the International Labour Organisation has decided to establish an office of the International Labour Organisation at Abidjan,

Whereas the Government of the Republic of the Ivory Coast has informed the International Labour Organisation of its readiness to grant all the facilities necessary for the establishment of that office,

The Government of the Republic of the Ivory Coast and the International Labour Organisation have agreed as follows:

Article 1

The Government of the Republic of the Ivory Coast shall afford every assistance within its power in securing for the office of the International Labour Organisation at Abidjan facilities to be determined by mutual agreement.

Article 2

The Government shall grant to the office of the International Labour Organisation and to the staff assigned to the said office the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947.

Article 3

The Government of the Republic of the Ivory Coast shall facilitate the entry into,

⁴⁹ Reproduced in the *Juridical Yearbook*, 1970, p. 7.

⁵⁰ Came into force on the date of signature.

sojourn in and departure from the Ivory Coast of the staff and experts, and their families, having official business with the office of the International Labour Organisation.

Article 4

The Government of the Republic of the Ivory Coast shall afford the International Labour Organisation every assistance within its power in securing appropriate office accommodation and a residence for the Director, as well as the necessary telephone, water and electricity installations.

Article 5

The Government of the Republic of the Ivory Coast shall grant the office of the International Labour Organisation and its staff treatment which shall not be less favourable than that generally granted to other intergovernmental or international organisations represented at Abidjan.

Article 6

Any dispute which arises between the International Labour Organisation and the Government of the Republic of the Ivory Coast concerning the application or interpretation of this Agreement, and which cannot be settled by negotiation or by another agreed method of settlement, shall be submitted to arbitration if one of the parties so requests. Each party shall appoint an arbitrator, and the two arbitrators thus appointed shall appoint a third, who shall preside. If within 30 days of the request for arbitration one of the parties has not appointed an arbitrator, or if in the 15 days following the appointment of two arbitrators the third arbitrator has not been appointed, either of the parties may request the President of the International Court of Justice to appoint an arbitrator. The arbitration procedure shall be fixed by the arbitrators and the costs of the arbitration shall be borne by the parties in proportions to be decreed by the arbitrators. The reasons for the arbitration award shall be stated, and the award shall be accepted by the parties as constituting a definitive settlement of the dispute.

Article 7

1. This Agreement shall come into force on signature and remain in force so long as it has not been denounced in accordance with paragraph 3 below.

2. This Agreement may be modified in writing by mutual agreement between the two parties.

3. This Agreement may be denounced by either of the parties by notice in writing to the other and shall cease to be effective one year after the receipt of the notice.

IN WITNESS WHEREOF the undersigned, duly authorised representatives of the International Labour Organisation and of the Government of the Republic of the Ivory Coast respectively, have signed this Agreement on behalf of the parties, in two copies in the French language.

DONE at Abidjan on 3 October 1977.

*For the International
Labour Organisation*

(Signed): Francis BLANCHARD
Director-General of the
International Labour Office

*For the Government
of the Ivory Coast*

(Signed): Vanié Bi TRA
Minister of Labour and of
Ivorianisation of Senior Staff

3. 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 the *Juridical Yearbook*, 1972, p. 32) were concluded in 1977 with the governments of the following countries acting as hosts to such sessions:

Australia⁵¹, Austria, Benin, Burundi⁵¹, Colombia⁵¹, France⁵¹, Ghana⁵¹, Hungary, India⁵¹, Indonesia, Iran, Italy⁵¹, Kenya⁵¹, Malaysia, Morocco, Nepal, Netherlands⁵¹, Norway, Philippines, Qatar, Spain, Tunisia, Uruguay, United Kingdom⁵¹, Venezuela, Yugoslavia.

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

Agreements concerning specific training courses, etc., and containing provisions on privileges and immunities of FAO and participants similar to the standard text (published in the *Juridical Yearbook*, 1972, p. 33) were concluded in 1977 with the governments of the following countries acting as hosts to such training activities:

Austria, India, Kenya, Kuwait, Mexico⁵¹, Pakistan, Peru, Philippines, Saudi Arabia, Senegal, Singapore, Sri Lanka⁵¹, United Kingdom⁵¹, United Republic of Cameroon.

4. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

- (a) Agreement between the Government of Austria and the United Nations Educational, Scientific and Cultural Organization concerning the Fifth Session of the International Co-ordinating Council of the Programme on Man and the Biosphere. Signed at Paris on 27 September 1977

III. Privileges and immunities

The Government of Austria shall apply, in respect of this meeting, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies, and Annex IV thereto relating to UNESCO, to which it has been a party since 21 July 1950. In particular, it shall ensure that no restriction is placed upon the right of entry into, sojourn in and departure from its territory of all persons entitled to attend the meeting, without distinction of nationality.

- (b) Agreements containing provisions similar to that referred to in paragraph (a) above were also concluded between UNESCO and the Governments of Bangladesh, Bulgaria, Colombia, Czechoslovakia, Ecuador, Egypt, the Federal Republic of Germany, Ghana, Hungary, India, Jordan, Kenya, Kuwait, Malaysia, Morocco, Mexico, Nepal, the Netherlands, Nigeria, Peru, the Philippines, Poland, the Republic of Korea, Spain, Sri Lanka, the Union of Soviet Socialist

⁵¹ Certain departures from, or amendments to, the standard text were introduced at the request of the Host Government.

Republics, the United Arab Emirates, the United Republic of Cameroon, Venezuela and Yugoslavia.

5. WORLD HEALTH ORGANIZATION

Basic agreements between the World Health Organization and the Governments of Zaire and Cape Verde for the provision of technical advisory assistance. Signed respectively at Kinshasa on 22 April and Brazzaville on 29 April 1977, and at Praia on 22 April and Brazzaville on 17 May 1977

These agreements contain provisions similar to article I, paragraph 6, and article V of the Agreement between the World Health Organization and Guyana reproduced on p. 56 of the *Juridical Yearbook*, 1968.

6. INTERNATIONAL ATOMIC ENERGY AGENCY

1. Agreement on the Privileges and Immunities of the International Atomic Energy Agency⁵², approved by the Board of Governors of the Agency on 1 July 1959

- (a) Deposit of instruments of acceptance

The following Member States accepted the Agreement on the Privileges and Immunities of the International Atomic Energy Agency in 1977, on the date as indicated⁵³:

Morocco ⁵⁴	30 March 1977
Nicaragua	17 October 1977

- (b) This brought up to 48 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:

Application of safeguards in connection with the NPT

Agreement and Protocol of 26 February 1975 between Sudan 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 7 January 1977 (INFCIRC/245).

Agreement and Protocol of 5 April 1973, between Belgium, Denmark, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands, the European Atomic Energy Community and the International Atomic Energy Agency in implementation of Article III(1) and 4 of the Treaty on the Non-Proliferation of Nuclear Weapons. Article 10. Entered into force on 21 February 1977 (INFCIRC/193, and Add.1).

⁵² United Nations, *Treaty Series*, vol. 374, p. 147.

⁵³ The Agreement enters into force as between the Agency and the accepting State on the date of deposit of the instrument of acceptance.

⁵⁴ With the following reservations:

“— IAEA must take the national laws and regulations into account in the acquisition and use of immovable property in Morocco.

“— The privileges and immunities accorded by the Agreement do not extend to IAEA staff of Moroccan nationality working in Morocco.

“— In case of dispute, any recourse to the International Court of Justice must be made with the consent of all parties concerned.”

Agreement and Protocol of 2 October 1977 between Maldives 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 2 October 1977 (INFCIRC/253).

Agreement and Protocol between the Republic of Singapore 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. Signed on 6 and 18 October 1977. Entered into force on 18 October 1977.

Agreement and Protocol of 4 March 1977 between Japan and the International Atomic Energy Agency in implementation of Article III.i and 4 of the Treaty on the Non-Proliferation of Nuclear Weapons. Article 10. Entered into force on 2 December 1977 (INFCIRC/255).

Agreement and Protocol between Ethiopia 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. Signed on 12 October and 2 December 1977. Entered into force on 2 December 1977.

(b) Trilateral safeguards agreements

Agreement of 5 January 1977 between the International Atomic Energy Agency, France and South Africa for the application of safeguards in respect of the Koeber Nuclear Power Station. Section 19. Entered into force on 5 January 1977 (INFCIRC/244).

Agreement of 10 February 1977 between the International Atomic Energy Agency, Canada and Spain for the application of safeguards in relation to the Agreement of 7 July 1975 between the two Governments for the development and application of atomic energy for peaceful purposes. Section 26. Entered into force on 10 February 1977 (INFCIRC/247).

Protocol of 28 March 1977 prolonging the Agreement of 9 December 1970 between the International Atomic Energy Agency, Colombia and the United States of America for the application of safeguards. Section 25 of the Agreement. The Protocol entered into force on 28 March 1977 (INFCIRC/144, and Add.1).

Protocol of 7 April 1977 prolonging the Agreement of 4 April 1975 between the International Atomic Energy Agency, Israel and the United States of America for the application of safeguards. Section 25 of the Agreement. The Protocol entered into force on 7 April 1977 (INFCIRC/249, and Add.1).

(c) Unilateral safeguard submissions

Agreement of 2 March 1977 between the International Atomic Energy Agency and Pakistan for the application of safeguards in connection with the supply of uranium concentrate. Section 15. Entered into force on 2 March 1977 (INFCIRC/248).

Agreement of 20 July 1977 between the International Atomic Energy Agency and the Democratic People's Republic of Korea for the application of safeguards in respect of a research reactor facility. Section 16. Entered into force on 20 July 1977 (INFCIRC/252).

Agreement of 22 July 1977 between Argentina and the International Atomic Energy Agency for the application of safeguards in connection with a contract concluded between the Comisión Nacional de Energía Atómica (Argentina) and the Reaktor Brennelement Union GmbH Hanau (Federal Republic of Germany) for co-operation in the field of fabrication of fuel elements for peaceful nuclear activities. Section 17. Entered into force on 22 July 1977 (INFCIRC/250).

Agreement of 22 July 1977 between Argentina and the International Atomic Energy Agency for the application of safeguards in connection with the Agreement of 30 January 1976 between the Governments of Argentina and Canada for co-operation in the develop-

ment and application of atomic energy for peaceful purposes. Section 23. Entered into force on 22 July 1977 (INFCIRC/251).

Agreement between the International Atomic Energy Agency and the Government of India for the application of safeguards in connection with the supply of heavy water from the Union of Soviet Socialist Republics. Section 15. Signed on 17 November 1977. Entered into force on 17 November 1977.

7. GENERAL AGREEMENT ON TARIFFS AND TRADE

Exchange of letters between the Director-General of GATT and the Swiss Département politique fédéral relating to the application to GATT, by analogy, of the Agreement on privileges and immunities of the United Nations concluded between the Swiss Federal Council and the Secretary-General of the United Nations on 19 April 1946

I

Bern, 18 August 1977

Sir,

Following the recent discussions between representatives of the Département politique fédéral and members of the GATT secretariat, we have the honour to advise you that the federal authorities are prepared to apply to GATT, by analogy, the Agreement on privileges and immunities of the United Nations concluded between the Swiss Federal Council and the Secretary-General of the United Nations on 19 April 1946.

We would be glad if you would kindly confirm your agreement to the foregoing. This letter and your reply will then be considered as an agreement between the federal authorities and the Director-General of GATT, acting in the name of and on behalf of the CONTRACTING PARTIES. This agreement can be denounced at any time by either of the parties, subject to one year's advance notice.

Accept, Sir, the assurance of my highest consideration.

*Director of the International
Organizations Division
F. de ZIEGLER*

Mr. Olivier LONG
*Director-General of GATT
Geneva*

II

Geneva, 18 August 1977

Your Excellency,

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

"Following the recent discussions between representatives of the Département politique fédéral and members of the GATT secretariat, we have the honour to advise you that the federal authorities are prepared to apply to GATT, by analogy, the Agreement on privileges and immunities of the United Nations concluded between the Swiss Federal Council and the Secretary-General of the United Nations on 19 April 1946.

“We would be glad if you would kindly confirm your agreement to the foregoing. This letter and your reply will then be considered as an agreement between the federal authorities and the Director-General of GATT, acting in the name of and on behalf of the CONTRACTING PARTIES. This agreement can be denounced at any time by either of the parties, subject to one year’s advance notice.”

In reply, I have the honour to inform you that the proposals which form the subject of your letter reproduced above were approved by the Council of Representatives at its meeting on 26 July 1977. In consequence, your letter together with this reply constitute an agreement between the Federal Authorities and the Director-General of GATT, acting in the name and on behalf of the CONTRACTING PARTIES.

Please accept, Your Excellency, the assurance of my highest consideration.

Olivier LONG

H.E. Ambassador François de ZIEGLER
Director of the International Organizations Division
Federal Political Department
3003 Bern
