

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1984

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

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



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Chapter II

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

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

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

The following State acceded to the Convention in 1984:²

Slaw
Uruguay

*Daw ol receipt at
nninnnail ofaccession*
16 February 1984

This brought to 120 the number of States parties to the Convention,³

2. AGREEMENTS RELATING TO INSTALLATIONS AND MEETINGS

- (a) Agreement between the United Nations and Mali for the implementation of the government personnel management component of the project to provide assistance for training and the strengthening of economic management funded by the International Development Association (Credit 1307-MLI).⁴ Signed at Bamako on 30 December 1983.⁵

Article 6

The Government shall settle any claims which third parties may make against DTCD, its personnel or other persons providing services on its behalf, and shall exonerate them from claims arising from operations carried out in pursuance of this Agreement, except in cases where DTCD and the Government have agreed to acknowledge that such claims or complaints result from serious negligence or intentional misconduct of such persons.

Article 7

In all matters related to the assistance provided under this Agreement, the Government shall apply to DTCD, its property, its staff and any personnel designated by it to provide a service under the terms of this Agreement, the provisions of the Convention on the Privileges and Immunities of the United Nations.

- (b) Agreement between the United Nations University and Finland regarding the World Institute for Development Economics Research.⁶ Signed at Tokyo on 4 February 1984

Article II

LEGAL STATUS

The Institute shall have the legal status necessary for the realization of its purposes and activities. It shall, in particular, have the capacity to enter into agreements, contracts and arrangements, to acquire and dispose of immovable and movable property, and institute legal proceedings.

...

Article V

PREMISES

...

3. (a) The premises of the Institute shall be inviolable. No officer or official of Finland or other person exercising any public authority within Finland shall enter the premises of the Institute to perform any official duties therein except with the express consent of, and under conditions approved by the Director, or at his request. 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.

(b) The Institute shall not permit its premises to become a refuge from justice for persons who are avoiding arrest or service of legal process or against whom an order of extradition or deportation has been issued by the appropriate authorities.

(c) Nothing in this Agreement shall prevent the reasonable application by the appropriate authorities of measures for the protection of the premises against fire or other emergency requiring prompt protective action.

...

Article VII

COMMUNICATIONS AND PUBLICATIONS

1. (a) All official communications directed to the Institute, or to any of its personnel, and all outward official communications of the Institute, 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. However, the Institute may install and use a wireless transmitter only with the consent of the appropriate authorities.

(b) The Institute 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.

2. (a) The Government recognizes the right of the Institute freely to publish within Finland, in the fulfilment of its purposes.

(b) It is, however, understood that the Institute shall respect the laws and regulations of Finland and the international conventions to which Finland is a party, relating to intellectual property.

Article VIII

FREEDOM FROM TAXATION

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

(a) exempt from all direct taxes; it is understood, however, that the Institute 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 Institute for its official use. It is understood, however, that articles imported under such exemption will not be sold in Finland 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 Institute 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 Institute 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 X

SOCIAL SECURITY

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

...

Article XIII

MEMBERS OF THE BOARD, PERSONNEL AND EXPERTS

1. Members of the Board at meetings convened by the Institute shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy such privileges and immunities as are provided for *mutatis mutandis* by article IV of the Convention, with respect to representatives of members, subject to the terms specified in that article.

2. (a) All personnel of the Institute, irrespective of nationality, shall be accorded the following privileges and immunities in Finland:

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

ii) exemption from taxation on the salaries and emoluments paid to them by the Institute.

(b) In addition, personnel who are not of Finnish nationality shall:

i) be immune from national service obligations;

ii) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

iii) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank forming part of diplomatic missions in Finland;

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

v) have the right to import free of duty their furniture and effects at the time of first taking up their post;

vi) be accorded the same right to import free of duty and other taxes a motor vehicle, as is accorded to officials of comparable rank of foreign diplomatic missions in Finland.

3. In addition to the privileges and immunities specified in paragraph 2, the Director, if he is not a national of Finland, 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.

4. Experts at the Institute shall enjoy such privileges and immunities as are provided for *mutatis mutandis* by article VI of the Convention, with respect to experts on mission for the United Nations, subject to the terms specified in that article.

5. Privileges and immunities are granted by this Agreement in the interests of the Institute and not for the personal benefit of the individuals themselves. The Director on behalf of the Rector 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 Institute. In the case of the Director, the Rector shall have a similar right and duty.

Article XV

GENERAL PROVISIONS

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

2. (a) The Director 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 Institute and for such other persons as may be appropriate.

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

3. This Agreement shall apply to any person within its scope 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 Finland.

4. The provisions of this Agreement shall be complementary to the provisions of the Convention. In so far as any provision of this Agreement and any provision of the 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.

...

(c) Agreement between the United Nations and Ethiopia regarding arrangements for the tenth session of the World Food Council of the United Nations.⁷ Signed at Bellagio, Italy, on 15 February 1984

Article X

LIABILITY

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

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

(b) injury to person or damage to or loss of 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 under article VIII 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.

Article XI

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, shall be applicable in respect of the session. In particular, the representatives of States and of the United Nations Council for Namibia referred to in article II (a) and (b) shall enjoy the privileges and immunities provided under article IV, the officials of the United Nations performing functions in connection with the session shall enjoy the privileges and immunities provided under articles V and VII and experts on mission for the United Nations in connection with the session shall enjoy the privileges and immunities provided under article VI of the Convention.

2. The representatives/observers referred to in article II (c), (e) and (g) shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connection with their participation in the session.

3. The personnel provided by the Government under article VIII above 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 session.

4. The representatives of the specialized agencies or of the International Atomic Energy Agency, referred to in article II (d), shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Specialized Agencies or the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, respectively.

5. Without prejudice to the preceding paragraphs of this article, all persons performing functions in connection with the session and all those invited to the session shall enjoy the privileges, immunities and facilities necessary for the independent exercise of their functions in connection with the session.

6. All persons referred to in article II, all United Nations officials serving the session and all experts on mission for the United Nations in connection with the session shall have the right of entry into and exit from Ethiopia, and no impediment shall be imposed on their transit to and from the conference areas. 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 session. If the application for the visa is not made at least two and a half weeks before the opening of the session, 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 session are delivered at the airport of arrival to participants who were unable to obtain them prior to their arrival. Exit permits, where required, shall be granted free of charge, as speedily as possible, and in any case not later than three days before the closing of the session.

7. For the purpose of the application of the Convention on the Privileges and Immunities of the United Nations, the session premises shall be deemed to constitute premises of the United Nations in the sense of section 3 of the Convention and access thereto shall be subject to the authority and control of the United Nations. The premises shall be inviolable for the duration of the session, including the preparatory stage and the winding-up.

8. The participants in the session and the representatives of information media, referred to in article II above, and officials of the United Nations serving the session and experts on mission for the United Nations in connection with the session shall have the right to take out of Ethiopia at the time of their departure, without any restrictions, any unexpended portions of the funds they brought into Ethiopia in connection with the sessions at the United Nations official rate of exchange prevailing when the funds were brought in.

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

{d) Agreement between the United Nations and Canada concerning the establishment and support of an Information Office for North America of the United Nations Centre for Human Settlements (Habitat).⁸ Signed at Nairobi on 26 March 1984

Article II

STATUS AND ADMINISTRATION OF THE OFFICE

The Office shall be considered as being an integral part of the United Nations Centre for Human Settlements (Habitat), a United Nations Secretariat entity. Its administration and management will be subject to United Nations rules and regulations.

Article V

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations (hereinafter referred to as "the Convention"), to which Canada became a party on 22 January 1948, will apply in respect of the Office.

2. For the purposes of sections 2, 3, 4, 7 and 8 of article II of the Convention, the expressions "property", "assets", "archives", and "publications" shall include audio-visual materials owned by the United Nations or such materials in the custody of the Office. The immunity from censorship provided under section 9 of the Convention shall extend to audio-visual materials in the custody of the Office. Incoming and outgoing audio-visual materials to and from the Office shall be exempt from all customs duties and quantitative restrictions. No delays shall be imposed on the entry or exit of such materials.

3. (a) The Secretary-General, on the advice of the Executive Director of the United Nations Centre for Human Settlements (Habitat) and with the concurrence of the receiving State, shall designate the Head of the Information Office for North America as having the status of an official of the United Nations. The Head of the Office will have the privileges and immunities described in section 18 of article V of the Convention.

(b) The Secretary-General may also designate, in similar fashion during the course of this Agreement, appropriate additional professional members of the staff of the Office as having the status of experts on mission for the United Nations. These persons will have the privileges and immunities described in section 22 of article VI of the Convention.

4. All other members of the staff of the Office will have, in respect of their functions, the immunities described in section 22 (b) of the Convention. Such immunity, however, shall not apply in the case of traffic accidents.

5. In respect of paragraph 3 above, the provisions of paragraphs (b), (e) and (g) of section 18 of article V and paragraphs (a), (e) and (f) of section 22 of article VI of the Convention shall not apply to any Canadian citizen residing or ordinarily resident in Canada.

6. The Secretary-General shall communicate to the Government of Canada the list of staff members of the Office coming under paragraphs 3, 4 and 5 above, to be updated as necessary.

7. In addition to the foregoing, other persons officially invited by the Office with the approval of the Centre, or who have official business with the Office, shall have their applications for any visa required by Canadian law dealt with as speedily as possible prior to entry. Where necessary, the United Nations will furnish such persons with a certificate, pursuant to

sections 25 and 26 of article VII of the Convention, that they are travelling on the official business of the United Nations.

Article VI

LIABILITY

The Government of Canada and the University of British Columbia shall not be held responsible for any damage or claim arising out of the operations of the Office. The Centre shall make appropriate arrangements to cover liability for dealing with any action, claim or other demand that may be brought against the United Nations or the Centre arising out of the operations of the Office.

- (e) Host Agreement between the United Nations and Nicaragua regarding the establishment of a United Nations Information Centre in Managua.⁹ Signed at New York on 11 April 1984

Article II

STATUS OF THE CENTRE

Section 2

The premises of the Centre and the residence of the Director shall be inviolable.

Section 3

The appropriate Nicaraguan authorities shall provide the necessary security and protection of the premises of the Centre and its staff.

Section 4

The appropriate Nicaraguan authorities shall exercise their respective powers to ensure that the Centre shall be supplied with the necessary public services on equitable terms. The Centre shall enjoy treatment for the use of telephone, radio-telegraph and mail communication facilities, not less favourable than that normally accorded and extended to international missions.

...

Article IV

OFFICIALS OF THE CENTRE

Section 6

Officials of the Centre, except those who are locally recruited staff in the General Service or related categories, shall enjoy, within and with respect to Nicaragua, the following privileges and immunities:

- (a) Immunity from legal process of any kind in respect of words spoken or written, and of all acts performed by them in their official capacity; such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the United Nations;
- (b) Immunity from seizure of their official baggage;
- (c) Immunity from inspection of their official baggage;
- (d) Exemption from any form of taxation in respect of the salaries, emoluments, indemnities and pensions paid to them by the United Nations for services past or present;
- (e) Exemption from any form of taxation on income derived by them from sources outside Nicaragua;
- (f) Exemption, with respect to themselves, their spouses, their relatives dependent on them and other members of their households from immigration restrictions and alien registration;

(g) Immunity from national service obligations;

(h) The same privileges in respect of exchange facilities as are accorded to officials of comparable ranks forming part of international missions. In particular, United Nations officials have the right, at the termination of their assignment to Nicaragua, to take out of Nicaragua through authorized channels, without prohibition or restriction, their funds in the same amounts as they had brought them into Nicaragua as well as any other funds for the lawful possession of which they can show good cause;

(/) The same protection and repatriation facilities with respect to themselves, their spouses, their relatives dependent on them and other members of their households as are accorded in time of international crisis to diplomatic envoys; and

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

(i) Their furniture and effects in one or more separate shipments, and thereafter to import necessary additions to the same, including motor vehicles, according to the Nicaraguan legislation applicable to international missions accredited in Nicaragua;

(ii) Reasonable quantities of certain articles for personal use or consumption and not for gift or sale.

Section 7

In addition to the privileges and immunities specified in section 6, the Director of the Centre, subject to the exception indicated in subparagraph (b) below, shall enjoy, in respect of himself, his spouse, his relatives dependent on him, the privileges and immunities, exemptions and facilities normally accorded to diplomatic envoys of comparable rank. He shall for this purpose be included in the international missions list by the Ministry of External Affairs of Nicaragua.

Section 8

Officials of the Centre who are locally recruited staff in the General Service or related categories shall enjoy only, within and with respect to Nicaragua, the privileges and immunities referred to in subparagraphs (a), (b), (c), (d) and (g) of section 6 of this Agreement. These officials also shall enjoy such other privileges and immunities as they may be entitled to under article VI, section 18, and article VII of the Convention.

Section 9

The privileges and immunities for which provision is made in this Agreement are granted solely for the purpose of carrying out effectively the aims and purposes of the United Nations. The Secretary-General may waive the immunity of any staff member whenever in his opinion such immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations.

Article V

GENERAL PROVISIONS

Section 10

The provisions of the Convention on the Privileges and Immunities of the United Nations, to which Nicaragua acceded on 29 November 1947, shall fully apply to the Centre, and the provisions of this Agreement shall be complementary to those of the Convention related to the same subject-matter; the two provisions shall, where possible, be treated as complementary, so that both provisions shall be applicable and neither shall restrict the effect of the other.

<f) Exchange of notes constituting an agreement between the United Nations and Iraq concerning the establishment of an International School in Iraq.¹⁰ Baghdad, 19 April 1984

19 April 1984

Sir,

I have the honour to refer to the Agreement between the United Nations and the Government of the Republic of Iraq (hereinafter referred to as "the Government") relating to the Headquarters of the United Nations Economic Commission for Western Asia" (hereinafter referred to as "the Commission") of 13 June 1979. I also have the honour to refer to resolution 110 (IX) concerning the establishment in Baghdad of a school of a truly international character responsive to the needs of the ECWA staff.

In order to proceed with the implementation of the aforesaid Agreement and resolution, it is proposed that the following measures should be agreed upon between the United Nations and the Government regarding the establishment of an International School in Iraq:

- (1) The School shall have juridical personality and the capacity to contract;
- (2) The School shall function in accordance with the statute; it shall adopt its own educational programmes and curriculum and shall notify the Government of these programmes and curriculum for its information;
- (3) The School shall have the right to import all books and other educational material and equipment, as well as materials, other equipment and vehicles necessary for the operation of the School, free of customs and other duties and of any restrictions on such importations, including licenses;
- (4) The School shall have the right to recruit teachers and other staff from abroad and the Government shall take the steps necessary to facilitate the grant of any entry visa or residence and work permits required for the person concerned to enter upon his or her duties, it being understood that the School shall notify the Government as soon as the person concerned leaves the employ of the School;
- (5) The School shall have the right to recruit teachers and other staff locally, in which case the procedure agreed to in an exchange of letters dated 19 and 21 April 1980, between the Government and the Commission in respect of General Service staff recruited locally by the Commission, will apply also to teachers and other staff recruited locally by the School;
- (6) The School shall enjoy exemption from the application of rules and restrictions concerning employment and work licences as well as those related to the termination of services laid down in the labour laws and regulations save those related to the submission of required data and information to the appropriate Iraqi authorities;
- (7) The Government shall undertake to reimburse to the School the financial contributions paid by the School in accordance with the law relating to pension and social security for Iraqi employees provided that the School shall keep records, fill in the questionnaires and submit the data required in the said law;
- (8) The School shall for all official purposes enjoy exemption from all taxes and duties including but not necessarily limited to income tax, customs duties, export promotion fund duty and stamp duty;

...

I have the honour to propose that if the foregoing meets with the approval of your Government the present note and your reply shall constitute a supplementary Agreement to the Agreement between the United Nations and the Government of the Republic of Iraq relating to the Headquarters of the United Nations Economic Commission for Western Asia.

(Signed) Mohamed Said AL-ATTAR
Executive Secretary
Economic Commission for Western Asia

II

NOTE FROM THE MINISTRY OF FOREIGN AFFAIRS OF IRAQ

19 April 1984

Sir,

I have the honour to acknowledge the receipt of your note dated 19 April 1984, which reads as follows:

[See note I]

I would like to confirm that my Government is in agreement with the foregoing.

*{Signed} Mohammed Al-Haj HAMOUD
Head of the Legal Department
Ministry of Foreign Affairs*

- (g) Exchange of letters constituting an agreement between the United Nations and China concerning the arrangements for the United Nations Interregional Meeting on Youth, Crime and Justice, to be held at Beijing from 14 to 18 May 1984.¹² Vienna, 11 and 24 April 1984

I

LETTER FROM THE UNITED NATIONS

11 April 1984

I have the honour to refer to the Note of 19 February 1982, in which the Government of the People's Republic of China generously offered to host the United Nations Interregional Meeting on Youth, Crime and Justice, which is to be held at Beijing, China, from 14 to 18 May 1984, in preparation for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders. With the present letter I wish to obtain your Government's acceptance of the following arrangements for the Meeting:

...

11. (a) (i) The Convention on the Privileges and Immunities of the United Nations (1946) shall be applicable in respect of the Meeting. The participants invited by the United Nations 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 connection with the Meeting shall enjoy the privileges and immunities provided under articles V and VII of the Convention. Officials of the specialized agencies participating in the Meeting 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;
- (ii) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and persons performing functions in connection with the Meeting shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Meeting;
- (b) All participants and all persons performing functions in connection with the Meeting shall have the right of unimpeded entry into and exit from China. Visas and entry permits, where required, shall be granted not later than two weeks before the opening of the Meeting. If the application is made less than four weeks before the opening, visas shall be granted as speedily as possible and not later than three days before the opening;

(c) It is further understood that the 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 Meeting; (ii) the transportation provided by your Government; and (iii) the employment for the Meeting of personnel provided or arranged by your Government; and the Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand; and

•••

I further propose that upon receipt of your confirmation in writing of the above this exchange of letters shall constitute an Agreement between the United Nations and the Government of the People's Republic of China regarding the provision of host facilities by your Government for the Meeting.

*(Signed) Leticia R. SHAHANI
Assistant Secretary-General
for Social Development and
Humanitarian Affairs*

II

LETTER FROM THE PERMANENT REPRESENTATIVE OF THE PEOPLE'S REPUBLIC OF CHINA
TO THE UNITED NATIONS OFFICE AT VIENNA

24 April 1984

I have the honour to acknowledge the receipt of your letter SD 4003/6 dated 11 April 1984, concerning the arrangements for the United Nations Interregional Meeting on Youth, Crime and Justice to be held at Beijing from 14 to 18 May 1984.

With the present letter, I wish to convey the acceptance by the Ministry of Justice of the Meeting arrangements stipulated in your letter.

*(Signed) WANG Shu
Permanent Representative of the
People's Republic of China
to the United Nations Office at Vienna*

(h) Exchange of notes constituting an agreement between the United Nations and Austria concerning the arrangements for the twenty-seventh session of the Committee on the Peaceful Uses of Outer Space, to be held at Vienna from 12 to 22 June 1984.¹³ New York, 3 and 30 April 1984

I

NOTE FROM THE UNITED NATIONS

3 April 1984

I have the honour to refer to the arrangements for the twenty-seventh session of the Committee on the Peaceful Uses of Outer Space which is to be held at the Vienna International Centre in Vienna, Austria, from 12 to 22 June 1984, in accordance with General Assembly resolution 38/80 of 15 December 1983, paragraph 25. With the present letter I wish to obtain your Government's acceptance of the following arrangements:

In accordance with paragraph (1) of article I of the Agreement between the United Nations and the Republic of Austria regarding the Headquarters Seat of the United Nations Industrial Development Organization (UNIDO) and other United Nations offices at the Vienna International Centre, signed 19 January 1981,¹⁴ the provisions of the Headquarters

agreement for UNIDO, signed on 13 April 1967, shall apply *mutatis mutandis* to the twenty-seventh session of the Committee on the Peaceful Uses of Outer Space.

...

I further propose that upon receipt of your affirmative answer, this exchange of letters shall constitute an Agreement between the United Nations and the Federal Government of Austria, which shall enter into force on the date of your reply and shall remain in force for the duration of the meeting and for such time thereafter as is necessary for the complete execution of the provisions of this Agreement.

(Signed) Viacheslav A. USTINOV
*Under-Secretary-General for
Political and Security Council Affairs*

II

NOTE FROM THE PERMANENT MISSION OF AUSTRIA TO THE UNITED NATIONS

30 April 1984

Sir,

I have the honour to refer to your note of April 3, 1984, which, in the English language, reads as follows,

[See note I]

I have the honour to confirm that the contents of this note are acceptable to the Austrian Government and that your note and this reply shall constitute an agreement between the Federal Government of Austria and the United Nations, which shall enter into force on the date of this reply and shall remain in force for the duration of the meeting and for such time thereafter as is necessary for the complete execution of the provisions of this Agreement.

(Signed) Karl FISCHER
*Ambassador Extraordinary and Plenipotentiary
Permanent Representative
of Austria to the United Nations*

- (/) Agreement between the United Nations and the Federal Republic of Germany on the United Nations International Meeting of Experts on Remote Sensing Information Systems,¹⁵ to be held at Feldafing and Oberpfaffenhofen, Federal Republic of Germany. Signed at United Nations Headquarters on 3 May 1984

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 Meeting. Accordingly, officials of the United Nations performing functions in connection with the Meeting shall enjoy the privileges and immunities provided under articles V and VII of the said Convention.

2. Officials of the specialized agencies attending the Meeting in pursuance of paragraph (c) 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 Meeting in pursuance of paragraphs (a) and (b) of article II 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

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

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

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 paragraphs 3 (a) and (b) of article IV above; (b) injury or damage to persons or property occurring during use of the transportation referred to in paragraphs 3 (f), (h) and (i) of article IV; (c) the employment for the Meeting of the personnel referred to in paragraphs 2 and 3 (d) and (e) of article IV; and the Government shall hold the United Nations and its personnel harmless in respect of any actions, claims and other demands except where it is agreed by the United Nations and the Government that the injury or damage is attributable to gross negligence or wilful misconduct on the part of the United Nations or its officials. In case of compensation by the Government, the United Nations and its officials shall assign their rights thereof to the Government

- (f) Agreement between the United Nations and the Union of Soviet Socialist Republics on a United Nations International Training Course on Remote Sensing Applications to Forestry,¹⁶ to be held in Moscow from 21 May to 9 June 1984. Signed at United Nations Headquarters on 8 May 1984

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 Course. The participants invited by the United Nations 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 connection with the Course shall enjoy the privileges and immunities provided under articles V and VII of the Convention. Officials of the specialized agencies participating in the Course 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.

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

3. Personnel provided by the Government 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 Course.

4. All participants and all other persons performing functions in connection with the Course shall have the right of entry into and exit from the Union of Soviet Socialist Republics. Visas and entry and exit permits, where required, shall be granted free of charge and as speedily as possible.

5. The Government shall hold the United Nations and its personnel harmless in respect of any action, claim or other demand against the United Nations or its personnel arising out of (i) injury or damage to persons or property, in conference or office premises provided for the Course; (ii) the transportation provided by [the] Government; and (iii) the employment for the Course of personnel provided or arranged by [the] Government.

- (k) Exchange of letters constituting an agreement between the United Nations and Hungary concerning the arrangements for the Interregional Preparatory Meeting on "Criminal Justice Processes and Perspectives in a Changing World", to be held at Budapest from 4 to 8 June 1984.¹⁷ Vienna, 8 and 10 May 1984

I

LETTER FROM THE UNITED NATIONS

8 May 1984

I have the honour to refer to the arrangements for the Interregional Preparatory Meeting on "Criminal Justice Processes and Perspectives in a Changing World" (hereafter called "the Meeting") which the United Nations is convening at Budapest at the invitation of the Government of the Hungarian People's Republic (hereafter called "the Government") in preparation for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

With the present letter I wish to obtain your Government's formal acceptance of the following arrangements:

...

13. (a) The Government shall be responsible for dealing with any action, claim or other demand against the United Nations or its officials and arising out of:

- (i) Injury to persons or damage to or loss of property in the premises referred to under point 2 above that are provided by or under the control of the Government;
- (ii) The employment for the Meeting of the personnel provided by the Government under point 7 *if*) and (g) above;
- (iii) Any transportation provided by the Government for the Meeting;

(b) The Government shall indemnify and hold harmless the United Nations and its staff in respect of any such action, claim or other demand.

14. (a) The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, to which the Hungarian People's Republic is a party, shall be applicable in respect of the meeting. In particular, the participants referred to under point 2 (a) and (b) above shall enjoy the privileges and immunities provided under article VI of the Convention. Officials of the United Nations performing functions in connection with the Meeting shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

(b) The observers and representatives referred to under point 2 *{d}*) and (e) above shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connection with their participation in the Meeting.

15. The personnel provided by the Government under 7 (/) and (g) above 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 Meeting.

16. Without prejudice to the preceding paragraphs of the present article, all persons performing functions in connection with the Meeting, including those referred to under 7 (/) and all those participating in the Meeting, shall enjoy the privileges, immunities and

facilities necessary for the independent exercise of their functions in connection with the Meeting.

17. All persons referred to under 2 above shall have the right of entry into and exit from Hungary and no impediment shall be imposed on their transit to and from the Meeting area. Arrangements shall be made to ensure that visas for the duration of the Meeting are delivered at Budapest airport to participants who were unable to obtain them prior to their arrival. Exit permits, where required, shall be granted free of charge, as speedily as possible, and in any case not later than three days before the close of the Meeting.

18. For the purpose of the Convention on the Privileges and Immunities of the United Nations, the conference premises specified under 7 (d) above shall be deemed to constitute premises of the United Nations in the sense of section 3 of the Convention and access thereto shall be subjected to the authority and control of the United Nations. The premises shall be inviolable for the duration of the Meeting, including the preparatory stage and the winding up.

19. All persons referred to under 2 above shall have the right to take out of Hungary at the time of their departure, without any restriction, any unspent portions of the funds they brought into Hungary in connection with the Meeting and to reconvert any such funds at the rate applicable at the time of the final transaction.

20. 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 Meeting. It shall issue without delaying any necessary import and export permits for this purpose.

21. Any dispute between the United Nations and the Government concerning the interpretation or application of this Agreement shall be settled by way of negotiation between them or any other way agreed upon.

I further have the honour to propose that upon receipt of your confirmation in writing of the above arrangements, this exchange of letters shall constitute an Agreement between the United Nations and the Government of the Hungarian People's Republic regarding the provision of host facilities by the Government for the Interregional Preparatory Meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

*(Signed) Leticia R. SHAHANI
Assistant Secretary-General
for Social Development and
Humanitarian Affairs*

II

LETTER FROM THE PERMANENT MISSION OF HUNGARY TO THE UNITED NATIONS OFFICE AT VIENNA

10 May 1984

I have the honour to acknowledge the receipt of your letter of 8th May, 1984, concerning the arrangements for the Interregional Preparatory Meeting on "Criminal Justice Processes and Perspectives in a Changing World" (hereafter called "the Meeting") which the United Nations is convening in Budapest at the invitation of the Government of the Hungarian People's Republic (hereafter called "the Government") in preparation for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, worded as follows:

[See letter I]

I have the honour to confirm the agreement of my Government with the above.

(Signed) János PETRAN
*Ambassador Extraordinary and Plenipotentiary
Permanent Representative*

- (/) Agreement between the United Nations and Indonesia on the United Nations Regional Meeting of Experts on Space Science and Technology and its Applications.¹⁸ Signed at New York on 14 May 1984

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 Meeting. Accordingly, officials of the United Nations performing functions in connection with the Meeting shall enjoy the privileges and immunities provided under articles V and VII of the said Convention.

2. Officials of the specialized agencies attending the Meeting 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 Meeting in pursuance of paragraphs (a) and (c) of article II 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 connection with the Meeting shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Meeting.

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

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 paragraphs 3 (a) and (b) of article IV above; (b) injury or damage to persons or property occurring during use of the transportation referred to in paragraphs 3 (h) and (i) of article IV; (c) recruitment for the Meeting of the personnel referred to in paragraphs 2 and 3 (b), (d), (e) and (f) of article IV. The Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands.

- (m) Exchange of letters constituting an agreement between the United Nations and Italy concerning the arrangements for the United Nations Interregional Meeting on the Formulation and Application of United Nations Standards and Norms in Criminal Justice,¹⁹ to be held at Varenna, Como, from 24 to 28 September 1984. Vienna, 24 August and 12 September 1984

I

LETTER FROM THE UNITED NATIONS

24 August 1984

I have the honour to refer to the Note of 20 October 1983, in which the Government of Italy generously offered to host the United Nations Interregional Meeting on the Formulation and Application of United Nations Standards and Norms in Criminal Justice, which is to be held at Varenna, Como, from 24 to 28 September 1984, in preparation for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders. With the present letter I wish to obtain your Government's acceptance of the following arrangements for the Meeting:

•••

10. (a) (i) The Convention on the Privileges and Immunities of the United Nations (1946) shall be applicable in respect of the Meeting. The participants invited by the United Nations 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 connection with the Meeting shall enjoy the privileges and immunities provided under articles V and VII of the Convention. Officials of the specialized agencies participating in the Meeting 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;
- (ii) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and persons performing functions in connection with the Meeting shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Meeting;

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

(c) It is further understood that the 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 Meeting; (ii) the transportation provided by the Government; and (iii) the employment for the Meeting of personnel provided or arranged by the Government; and the Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand; and

•••

I further propose that upon receipt of your confirmation in writing of the above this exchange of letters shall constitute an Agreement between the United Nations and the Government of Italy regarding the provision of host facilities by your Government for the Meeting.

(Signed) Leticia R. SHAHANI
Assistant Secretary-General for Social Development
and Humanitarian Affairs

II

LETTER FROM THE PERMANENT MISSION OF ITALY TO THE UNITED NATIONS OFFICE AT VIENNA

12 September 1984

Referring to your letter SD 4003/2 dated August 24th, 1984, I have the honour to inform you that the Italian Government has accepted to undertake all obligations as specified in your letter.

(Signed) Girolamo NISIO
Permanent Representative of Italy to the
United Nations Office at Vienna

3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND: REVISED MODEL AGREEMENT CONCERNING THE ACTIVITIES OF UNICEF²⁰

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 Iraq,²¹ Sierra Leone²² and Nicaragua²³ concerning the activities of UNICEF. Signed respectively at Baghdad on 11 April 1984, at Freetown on 17 May 1984 and at Managua on 16 November 1984.

These agreements contain provisions similar to articles VI and VII of the Revised Model Agreement, except that the provision corresponding to article VII of the Agreement between the United Nations (UNICEF) and Nicaragua reads as follows:

"In addition, the Government of Nicaragua undertakes to permit the importation, free from all taxes, duties or fees, of greeting cards, advertising materials and other items related to the UNICEF Greeting Card Operation, whether the importation is effected by the UNICEF office itself in Nicaragua or by an authorized distributing agent. The sale to the public of the said cards shall also be exempt from all taxes, duties or fees, it being understood that the proceeds from such sales shall be earmarked for UNICEF assistance programmes throughout the world."

4. AGREEMENTS RELATING TO THE WORLD FOOD PROGRAMME

- (a) Agreement between the United Nations and the Food and Agriculture Organization of the United Nations, on behalf of the World Food Programme, and Brazil concerning assistance for rehabilitation of agriculture infrastructure in drought-stricken areas of the State of Ceará.²⁴ Signed at Brasilia on 15 October 1984

Article III

OBLIGATION OF THE GOVERNMENT

...

4. *Facilities, privileges and immunities*

- (i) The Government shall afford to officials and consultants of WFP and to other persons performing services on behalf of WFP such facilities as are afforded to those of the United Nations and specialized agencies.
 - (ii) The Government shall apply the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies, to WFP, its property, funds and assets, and to its officials and consultants.
 - (iii) The Government shall be responsible for dealing with any claims which may be brought by third parties against WFP or against its officials, consultants or other persons performing services on behalf of WFP under this Agreement, in the sense that the Government will intervene in any such claims, in accordance with Brazilian law and the applicable treaties in force at that moment. The Government shall hold WFP and the persons mentioned in the first sentence of this paragraph harmless in case of any claims or liabilities resulting from operations under this Agreement, in accordance with Brazilian law, the terms of this Agreement and the applicable treaties in force at that moment, except in cases where it is agreed by the Government and WFP that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.
- (b) Agreement between the United Nations and the Food and Agriculture Organization of the United Nations, on behalf of the World Food Programme, and Brazil concerning assistance for rehabilitation of agriculture infrastructure in drought-stricken areas of the State of Sergipe.²⁵ Signed at Brasília on 15 October 1984
- This Agreement contains provisions similar to article III, paragraph 4, reproduced in subsection 4 (a) above.
- (c) Agreement between the United Nations and the Food and Agriculture Organization of the United Nations, on behalf of the World Food Programme, and Brazil concerning assistance for feeding of pre-school and primary school children in depressed areas of the North-Northeastern region.²⁶ Signed at Brasília on 21 December 1984

Article IV

FACILITIES, PRIVILEGES AND IMMUNITIES

1. The officers and consultants contracted by WFP and other people performing services on behalf of WFP—whose nationality is not Brazilian and who do not have permanent residence in Brazil—will enjoy the same facilities, privileges and immunities as are afforded to such officers of the United Nations' specialized agencies.

Other provisions on facilities, privileges and immunities of the Agreement are similar to article III, paragraph 4 (ii) and (iii) reproduced in subsection 4 (a) above.

5. 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, pp. 25 and 26.]

Article XIII

GENERAL PROVISIONS

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

Standard Basic Agreement between the United Nations (United Nations Development Programme) and the Government of Nepal.²⁸ Signed at Kathmandu on 23 February 1984

This Agreement contains provisions similar to paragraph 5 of article II, articles IX, X and paragraph 4 of article XIII of the Standard Basic Agreement.

(b) Letter of Agreement between the United Nations (United Nations Development Programme) and the Government of Costa Rica for management services to be provided by UNDP in respect of a project financed by the United States Agency for International Development.²⁹ Signed at San José on 28 September 1984 and at New York on 23 November 1984

...

11. (a) The Basic Assistance Agreement between UNDP and the Government, signed on 7 August 1973, shall be applicable, *mutatis mutandis*, to all matters not specifically dealt with in this Agreement. In particular, the Government has decided to extend the facilities, exemptions, privileges and immunities as specified in articles IX and X of the said Basic Assistance Agreement,³⁰ to all persons, natural or juridical, including IDA and its personnel performing services under this Agreement.

(b) In accordance with the above referenced Basic Agreement, as assistance under this Agreement is being provided for the benefit of the Government and people of Costa Rica, the Government shall bear all risks of operations arising under this Agreement. It shall be responsible for dealing with claims which may be brought by third parties against UNDP, their officials or other persons performing services on their behalf, and shall hold them harmless in respect of claims or liabilities arising from operations under this Agreement. The foregoing provision shall not apply where the Parties hereto are agreed that a claim or liability arises from the gross negligence or wilful misconduct of the above-mentioned individuals.

12. (a) Any dispute, controversy or claim arising out of or in connection with this Agreement or any breach thereof, shall, unless it is settled by direct negotiation, be settled by arbitration in accordance with the UNCITRAL Arbitration Rules as at present in force. The Parties hereto agree to be bound by any arbitration award rendered in accordance with this section as the final adjudication of any dispute.

(b) Nothing in or relating to any provision in this Agreement shall be deemed a waiver of the privileges and immunities of the United Nations, including UNDP.

...

6. AGREEMENTS RELATING TO THE UNITED NATIONS CAPITAL DEVELOPMENT FUND

Basic Agreements between the United Nations (United Nations Capital Development Fund) and the Governments of Mauritania,³¹ Nepal,³² Bolivia³³ and Sao Tome and Principe³⁴ concerning assistance from the United Nations Capital Development Fund. Signed respectively at Nouakchott on 23 January 1984, at Kathmandu on 23 February 1984, at La Paz on 16 May 1984 and at São Tomé on 13 August 1984

These agreements contain provisions similar to paragraphs 5, 6 and 7 of article III and article V of the Agreement between UNCDF and the Gambia reproduced in *Juridical Yearbook*, 1982, p. 50.

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

Project Agreements (Natural Resources Exploration Project) between the United Nations Revolving Fund for Natural Resources Exploration and Peru³⁵ and Sierra Leone.³⁶ Signed respectively at Lima on 7 September 1983 and at Free-town on 11 November 1983

These agreements contain provisions similar to article V and sections 6.02 and 6.03 of article VI of the Agreement reproduced in *Juridical Yearbook*, 1979, pp. 35-37.

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.³⁷ APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

In 1984 the following States parties to the Convention undertook by a notification to apply the provisions of the Convention, in respect of the specialized agencies indicated below:¹⁸

State	Date of notification	Specialized agency
China.....	9 November 1984	ILO

As of 31 December 1984, 90 States were parties to the Convention.³⁹

2. INTERNATIONAL LABOUR ORGANISATION

Agreement between the International Labour Organisation and the People's Republic of China on the establishment in Beijing of an Office of the organisation.⁴⁰ Signed at Geneva and at Beijing on 27 November 1984

3. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

(a) Agreements for the establishment of an FAO Representative's Office

In 1984, agreements for the establishment of an FAO Representative's Office, providing, *inter alia*, for privileges and immunities, were concluded with the following countries: Antigua and Barbuda, Bhutan, Comoros, Djibouti, Guinea-Bissau, Sao Tome and Principe, Vanuatu and Zimbabwe.

(b) 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 text⁴¹ were concluded in 1984 with the Governments of the following countries acting as hosts to such sessions:

Australia,⁴² Austria, Bahrain, Bangladesh, Bulgaria, Canada,⁴² Colombia,⁴² Cuba,⁴² Egypt, Ethiopia, Finland, France,⁴² Gambia, Germany (Federal Republic of),⁴² Hungary, India,⁴² Indonesia, Ireland, Italy,⁴² Kenya,⁴² Malaysia, Niger, Norway, Peru, Philippines, Spain,⁴² Sudan, Sweden,⁴² Togo, Tunisia, Turkey,⁴² Uganda, United States of America,⁴² Yugoslavia, Zambia,⁴² Zimbabwe.

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

Agreements concerning specific training activities, containing provisions on privileges and immunities of FAO and participants similar to the standard text,⁴³ were concluded in 1984 with the Governments of the following countries acting as hosts to such training activities:

Burkina Faso, Cameroon, Costa Rica, Dominica, Dominican Republic, Egypt, Finland, India,⁴² Indonesia, Italy,⁴² Kenya, Malawi, Norway, Peru, Philippines, Sierra Leone, Spain,⁴² Tanzania, Tonga, Uruguay, Zambia, Zimbabwe.

(d) Exchange of letters of 1972 between the Government of Sweden and the Food and Agriculture Organization of the United Nations regarding training activities to be held in Sweden in 1972⁴⁴

The agreement was extended on 11 January 1984 to cover training activities to be held in 1984.

4. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

(a) Agreement between the United Nations Educational, Scientific and Cultural Organization and the Republic of Venezuela relating to the headquarters of the Office of Regional Co-ordination for Latin America and the Caribbean and to its Privileges and Immunities in Venezuelan Territory.⁴⁵ Signed at Caracas on 14 April 1979⁴⁶

Chapter I

JURIDICAL PERSONALITY OF THE ORGANIZATION

Article 1. "The Government" recognizes the juridical personality of "the Organization" and consequently its capacity to enter into contracts of any kind and to acquire and alienate the movable and immovable property necessary for the exercise of its functions. With regard to the acquisition of immovable property, "the Organization" shall comply with the conditions established by article 8 of the Constitution of Venezuela.

"The Organization" shall also have the capacity to resort to the justice system as a plaintiff or as a defendant before the competent courts of the Republic of Venezuela. If "the Organization" takes legal action as a participant, it shall not enjoy the immunities established in this Agreement.

Chapter II

HEADQUARTERS OF THE OFFICE

Article 2. The Headquarters of the Office shall be subject to the authority and control of the Organization. The Organization shall have the right to establish the internal regulations that shall be applicable at the Headquarters of the Office and to establish the conditions necessary for the functioning of the Office.

Article 3. Without prejudice to the provisions of the preceding article, the pertinent legal and regulatory provisions of the Republic of Venezuela shall apply at the Headquarters of the Office.

Article 4. The premises which shall form part of the Headquarters of the Office shall be inviolable. Agents of public order of Venezuela or Venezuelan officials in the exercise of their functions may enter such premises only with the consent or at the request of the Director-General of the Organization, or of the person authorized to exercise his functions, and under the conditions approved by him.

Article 5. The execution of acts of judicial procedure, including the seizure or confiscation of private property, may not be carried out within the Headquarters of the Office without the consent of the Director-General of the Organization, or of the person authorized by him to exercise his functions, and under the conditions approved by him.

Article 6. Without prejudice to the norms of this Agreement, the Organization shall not permit the Headquarters of the Office to be used as a place of asylum by persons who are attempting to avoid being arrested in accordance with a judicial order issued by a competent court of the Republic of Venezuela, or who are sought by the Government or are trying to evade a judicial summons.

Article 7. The Government shall adopt appropriate measures to protect the premises of the Office against any intrusion or damage and to prevent any disturbance of its tranquillity.

Article 8. Within the limits of the powers available to them and in conformity with the requests presented to them by the Director-General of the Organization, the Venezuelan authorities shall endeavour to guarantee, under reasonable conditions, the public services necessary for the functioning of the Office.

Article 9. Without prejudice to the provisions of article 14, the Office may, in the provision of the public services furnished by the Government or by the agencies subordinate to it, enjoy the benefit of the tariff reductions granted to the Agencies of Public Administration of Venezuela. In the event of the partial or total interruption of such services by *force majeure*, the Office shall enjoy the priority which the Government accords to the Agencies of Public Administration of Venezuela for the restoration of such services.

Chapter III

ACCESS TO THE HEADQUARTERS OF THE OFFICE

Article 10. The Government guarantees transit to or from the Headquarters of the Office to the persons called upon to exercise official functions at the Office or invited to move to such Headquarters by the Organization.

Article 11. The Government undertakes to authorize, without visa charges, entry into and stay in Venezuelan territory, during the time necessary for the exercise of their functions or the execution of their missions at the Office, to the following persons:

(a) The representatives of member States, as well as their alternates, counsellors, experts and secretaries, who attend the conferences and meetings convened at the Headquarters of the Office;

(b) The members of the Advisory Committees of the Office which may be established by the Director-General of the Organization;

(c) The officials and experts of the Organization and the members of their families;

(d) The officials and experts of the Office and the members of their families, as well as their dependants;

(e) Those persons who, although they are not officials of the Organization, are sent by it to the Office on a service commission, as well as the members of their families;

(f) Those persons who are invited for official matters by the Organization to the Headquarters of the Office.

Article 12. Without prejudice to the special immunities to which they may be entitled, the persons referred to in the preceding article may not, during the time when they carry out their functions or missions, be obliged by the Government to quit the territory of the Republic of Venezuela, except where they have abused the privileges or immunities granted to them or where they are carrying on an activity unrelated to their functions or their mission with the Organization.

Article 13. No measure shall be taken to oblige the persons referred to in article 11 to quit Venezuelan territory without the approval of the Minister for Foreign Affairs of Venezuela or of the person authorized to exercise his functions, before granting such approval, the Minister for Foreign Affairs shall consult the Director-General of the Organization.

Article 14. The persons who enjoy diplomatic privileges and immunities by virtue of the provisions of this Agreement may not be obliged to quit the republic of Venezuela except in accordance with the procedure which is applicable, if the need arises, to diplomats accredited to the Government.

Article 15. The persons referred to in article 11 shall not be exempt from the reasonable application of the regulations relating to quarantine or public health.

Chapter IV

COMMUNICATION FACILITIES

Article 16. To the extent compatible with the provisions of the international conventions, regulations and agreements to which the Republic of Venezuela is a party, the Government shall grant to the office, for its postal, telephonic, telegraphic, radiotelephonic, radiotelegraphic and radiophototelegraphic communications, treatment not less favourable than that granted by the Government to other Governments, including diplomatic missions, in the matter of priorities, tariffs and charges on the aforementioned means of communication.

Article 17. The Government guarantees to the Organization the inviolability of its official correspondence.

Article 18. The official communications, publications, photographic or cinematographic films, photographs and sound and visual recordings addressed to or sent by the Office, as well as the material of the expositions organized by the Office, may not be censored.

Article 19. The Office shall be entitled to use codes and to send and receive correspondence, in connection with its official activities, by means of sealed mail or bags, which shall enjoy the same privileges and immunities as are granted to diplomatic mail and bags.

Chapter V

PROPERTIES, FUNDS AND POSSESSIONS

Article 20. The Organization, its properties and possessions, wherever they may be found and whoever may hold them in his power, shall enjoy immunity from jurisdiction, except when, in a particular case, the Organization renounces such immunity. Such renunciation may not, however, be extended to enforcement measures.

Article 21. The property and possessions of the Office, wherever they may be found and whoever may have them in his power, shall be exempt from expropriation, confiscation, requisition, sequestration, seizure or any form of forcible acquisition resulting from executive, administrative or judicial actions, except where one of these measures may have to be applied temporarily in order to prevent accidents involving motor vehicles belonging to the Office or participating in traffic on behalf of the Office and where it is necessary to undertake the investigations that may arise from the involvement of such vehicles in traffic accidents.

Article 22. The files of the Organization and, in general, all documents belonging to it or held by it in its possession, by virtue of its functions, shall be inviolable in every part of the Republic of Venezuela in which they may be found.

Article 23. The Organization and its property, possessions and income shall be exempt from all direct taxation. The Organization shall not claim exemption from tariffs and charges which constitute remuneration for public utility services.

Article 24. The Organization shall enjoy exemptions with regard to:

(a) Customs duties and import or export prohibitions and restrictions relating to articles imported for its official use. However, articles imported under such exemption may not be sold in the country except in accordance with the conditions established in Venezuelan legislation;

(b) Import or export duties applicable to publications, cinematographic films, still-photograph films and photographic documents which the Organization may import or publish as part of its official activities, as well as all import or export prohibitions and restrictions relating to the publications, cinematographic films, still-photograph films and photographic documents which the Organization may import or publish in the exercise of its official activities.

Article 25. The Organization shall, in accordance with generally recognized legal norms, pay the indirect taxes associated with the prices of merchandise sold or services rendered. The indirect taxes or charges associated with sales or operations carried out by the Organization within the limits of its official activities may be the object of reintegration, in accordance with the agreements that may be concluded for that purpose by the Government and the Organization.

Article 26. Without being subject to financial control, regulation or moratorium, the Organization may:

(a) Receive and hold in its power any funds and foreign exchange of any nature and maintain accounts in any currency in banking institutions or other similar institutions;

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

Article 27. The competent Venezuelan authorities shall provide assistance and support to the Organization with a view to granting it the most favourable conditions in its exchange and transfer operations. The Government and the Organization shall, to that end, conclude special arrangements which shall determine, where necessary, the modalities for the application of this article.

Article 28. In the exercise of the rights conferred upon it by this chapter, the Organization shall take account of the comments made to it by the Government, to the extent that the latter considers reasonable and to the extent that the Organization considers it possible to comply therewith without prejudice to its own interests.

Chapter VI

DIPLOMATIC FACILITIES, PRIVILEGES AND IMMUNITIES

Article 29. The representatives of the States members of the Organization who attend the conferences and meetings convened by it at the Headquarters of the Office and the members, other than nationals of the Republic of Venezuela, of the advisory committees which the Director-General may create for the Office shall, during their stay in Venezuela, for the exercise of their functions, enjoy the facilities, privileges and immunities granted to diplomats of a category comparable to that of the foreign diplomatic missions accredited to the Government.

Article 30. Without prejudice to the provisions of articles 32 and 34 of chapter VII of this Agreement, the Director-General and the Deputy Director-General of the Organization shall, during their stay at the Headquarters of the Office, enjoy the status granted to the heads of foreign diplomatic missions accredited to the Government.

Article 31. Without prejudice to the provisions of articles 32 and 34 of chapter VII of this Agreement, the Co-ordinator and the officials of the Office in grade P-5 or higher, other than nationals of the Republic of Venezuela, shall, together with their spouses and dependent children, enjoy during their stay in Venezuela the privileges, immunities, facilities and measures of courtesy granted to the members of foreign diplomatic missions accredited to the Government.

Article 32. The Organization shall, in good time, communicate to the Government the names of the persons referred to in the preceding article.

Article 33. The immunities provided for in articles 29, 30 and 31 of this chapter are conferred exclusively for the benefit of the Organization and not as personal advantages for the persons concerned. Accordingly, the said immunities may be suspended by the Government of the State concerned with regard to its representatives and the members of their families, by the Executive Board of the Organization with regard to the Director-General of the Organization, and by the Director-General of the Organization with regard to the members of the advisory committees which he may establish and with regard to other officials of the Organization who are indicated in article 29 and the members of the families.

Chapter VII

OFFICIALS AND EXPERTS

Article 34. The officials of the Organization assigned to the Office and the other officials of the Organization who are entrusted with official missions to the Office shall enjoy the following facilities, privileges and immunities:

(a) Immunity with regard to judicial proceedings relating to acts performed by them in their official capacity and for their oral or written statements made in their official capacity;

(b) Exemption from the payment of taxes on the pay and emoluments which they receive from the Organization;

(c) Without prejudice to the provisions of article 33 of this chapter, exemption from obligations to render military service or other obligatory service in Venezuela;

(d) Exemption from immigration restrictions and registration of aliens, which shall also extend to their spouses and to dependent members of their families;

(e) The monetary and foreign-exchange facilities which are granted to the members of diplomatic missions accredited to the Government;

(f) Facilities for repatriation similar to those granted to members of the diplomatic missions accredited to the Government during times of tension, extending to their spouses and to dependent members of their families;

(g) The right to import, with exemption from customs duties, if they do not reside in Venezuela, their furniture and personal effects, with a view to their installation in that country;

(h) They may import, with exemption from customs duties, one road motor vehicle intended for their personal use, under the conditions and subject to compliance with the requirements established by the laws, regulations and resolutions governing the matter in Venezuela;

(i) They may import, subject to the conditions which shall be fixed by agreement between the Government and the Organization, certain property, effects and domestic equipment intended for their personal use. The determination of such property, effects and equipment, as well as the conditions for their resale in the territory of the Republic of Venezuela, shall be made in accordance with the terms of the legislative and regulatory provisions of Venezuela which are applicable in the matter.

Article 35. Venezuelan officials of the Office shall not be exempt from obligations relating to military service or to any other service which is obligatory in Venezuela. Nevertheless, those who, by reason of their functions, have been specially designated in a list drawn up by the Director-General of the Organization and approved by the competent Venezuelan authorities shall, in the event of mobilization, be placed in a position of special assignment in accordance with Venezuelan legislation. At the same time, Venezuelan authorities shall, at the request of the Organization and in the event of the calling up to service of other officials of Venezuelan nationality, grant such delays of induction as may be necessary to avoid the interruption of a service which is considered essential.

Article 36. The privileges and immunities established in this chapter are granted to officials for the benefit of the Organization and not as personal advantages of the persons concerned. Consequently, the Director-General of the Organization shall agree to the suspension of the privileges and immunities granted to an official in those cases in which the exercise thereof may obstruct the course of justice, provided that such suspension is not prejudicial to the interests of the Organization.

Article 37. Experts other than the officials referred to in article 34 and exercising functions at the Office or carrying out missions on behalf of the Office shall, to the extent necessary for the effective exercise of their functions and during the trips taken for the purpose of exercising them, enjoy the following privileges and immunities:

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

(b) Immunity with regard to judicial proceedings relating to acts carried out by them in their official capacity and for their oral or written statements made also in their official capacity. The persons concerned shall continue to enjoy such immunity even when they have ceased to exercise their functions in the Organization or when they are no longer entrusted with any mission on its behalf;

(c) The same monetary and foreign-exchange facilities as are granted to the officials of foreign Governments on temporary official missions.

Article 38. The Organization shall communicate in good time to the Government the names of the persons who are to enjoy the benefit of the provisions of this chapter.

Article 39. The Organization shall give its full support to the competent Venezuelan authorities with a view to facilitating the proper administration of justice, guaranteeing the enforcement of the laws and regulations of the country relating to the maintenance of public order and preventing any abuse of the enjoyment of the immunities, exemptions and privileges provided for in this Agreement.

Chapter VIII

SPECIAL PROVISIONS

Article 40. The Government shall make available to the Organization adequate premises to cover the needs of the Office, furnishing them with the installations and equipment necessary for their proper functioning.

Chapter IX

LAISSEZ-PASSER

Article 41. The Government shall recognize and accept as travel documents the United Nations "Laissez-passer" issued to officials of the Organization.

(b) Agreements relating to conferences, seminars and other meetings

(i) Agreement between the Government of the People's Republic of China and the United Nations Educational, Scientific and Cultural Organization concerning the Training Course on Sea Level and Tidal Observations

PRIVILEGES AND IMMUNITIES

The Government of the People's Republic of China shall apply, in all matters relating to this training course, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations as well as annex IV thereof, to which China has been a party since 11 September 1979. In particular, the Government shall ensure that no restriction is placed upon the entry into, sojourn in, and departure from the territory of the People's Republic of China of all persons, of whatever nationality, entitled to attend the training course by virtue of a decision of the appropriate authorities of UNESCO and in accordance with the Organization's pertinent rules and regulations.

(ii) Agreements containing provisions similar to that referred to in the paragraph above were also concluded between UNESCO and the Governments of other member States.

5. INTERNATIONAL CIVIL AVIATION ORGANIZATION

Agreement between the International Civil Aviation Organization and the Government of France regarding the status, privileges and immunities of the Organization in France.⁴⁷ Signed on 27 September 1984

The Agreement formally confirms the privileges and immunities already granted to ICAO with regard to its European Office in Paris under a provisional agreement concluded in 1947 by exchange of letters.

6. WORLD HEALTH ORGANIZATION

(a) Basic Agreements on technical advisory co-operation

Basic Agreements on technical advisory co-operation were concluded in 1984 between WHO and the following States:

<i>State</i>	<i>Place of signature</i>	<i>Date of signature</i>
Cook Islands	Rarotonga/Manila	26 September 1984/22 October 1984
Yemen	Sana'a	26 November 1984

These agreements contain provisions similar to article I, paragraph 6, and article V of the Agreement between the World Health Organization and Guyana.⁴⁸

(b) Agreements concluded by the Pan American Health Organization

(i) Addendum to the Agreement between the Pan American Sanitary Bureau and the Government of Brazil for the operations of the PAHO/WHO zone office in Brazil. Signed at Brasilia on 21 December 1984

(ii) Agreement between the Pan American Sanitary Bureau and the Government of Mexico regarding the establishment of a representative's office in Mexico City and the privileges and immunities required for its operation. Signed at Mexico City on 26 August 1984

(Hi) Basic Agreements on technical advisory co-operation with the following States:

<i>State</i>	<i>Place of signature</i>	<i>Date of signature</i>
Argentina	Buenos Aires	9 November 1984
Belize	Belmopan	21 August 1984
Guyana	Georgetown	1 August 1984
Haiti	Port-au-Prince	26 April 1984
Mexico	Mexico City	30 May 1984
Paraguay	Asunción	28 August 1984
Peru	Lima	21 November 1984

7. INTERNATIONAL ATOMIC ENERGY AGENCY

(a) Agreement on the Privileges and Immunities of the International Atomic Energy Agency.⁴⁹ Approved by the Board of Governors of the Agency on 1 July 1959

The following Member States accepted the Agreement on the date indicated below:

<i>State</i>	<i>Date of deposit of instrument of acceptance</i>
Spain	21 May 1984
China	16 July 1984 ⁵⁰

This brought to 56 the number of States parties to the Agreement.

(b) Incorporation of provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency by reference in other agreements

(i) Article 10 of the Agreement between Panama and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America, signed at Mexico City on 15 February 1977; entered into force on 23 March 1984

(ii) Article 10 of the Agreement between the Republic of Nauru and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Vienna on 13 April 1984; entered into force on the same day

(iii) Article 10 of the Agreement between the Democratic Socialist Republic of Sri

Lanka and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Colombo on 5 July 1980; entered into force on 6 August 1984

NOTES

- 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 Deposited with the Secretary-General* (United Nations publication, Sales No. E.89.V.3).
- ⁴ Came into force on 5 January 1984.
- ⁵ Translation prepared by the Secretariat of the United Nations.
- ⁶ Came into force on 20 June 1984.
- ⁷ Came into force on the date of signature.
- ⁸ Came into force on 26 March 1984 with effect from 1 October 1983.
- ⁹ Came into force on the date of signature.
- ¹⁰ Came into force on 19 April 1984.
- ¹¹ See *Juridical Yearbook*, 1979, p. 10.
- ¹² Came into force on 24 April 1984.
- ¹³ Came into force on 30 April 1989.
- ¹⁴ United Nations, *Treaty Series*, vol. 1252, No. A-17978.
- ¹⁵ Came into force on the date of signature.
- ¹⁶ Came into force on the date of signature.
- ¹⁷ Came into force on 10 May 1984.
- ¹⁸ Came into force on the date of signature.
- ¹⁹ Came into force on 13 September 1984.
- ²⁰ UNICEF, Field Manual, vol. II, part IV-2, appendix A (1 October 1964).
- ²¹ Came into force on 26 June 1984.
- ²² Came into force on the date of signature.
- ²³ Came into force on the date of signature.
- ²⁴ Came into force on the date of signature.
- ²⁵ Came into force on the date of signature.
- ²⁶ Came into force on the date of signature.
- ²⁷ UNDP/ADM/LEG.34.
- ²⁸ Came into force on the date of signature.
- ²⁹ Came into force on 23 November 1984.
- ³⁰ These provisions are similar to articles IX and X of the Standard Basic Agreement reproduced in *Juridical Yearbook*, 1973, pp. 24 and 25.
- 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 Came into force on the date of signature.
- ³⁵ Came into force on the date of signature.
- ³⁶ Came into force on the date of signature.
- ³⁷ United Nations, *Treaty Series*, vol. 33, p. 261.
- ³⁸ The Convention is in force with regard to each State party 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.
- ³⁹ For the list of those States, see *Multilateral Treaties Deposited with the Secretary-General* (United Nations publication, Sales No. E.89.V.3).
- ⁴⁰ Came into force on the date of signature. The text of the Agreement is reproduced in the *Official Bulletin* of ILO, vol. LXVIII, No. 1, Series A, 1985.
- ⁴¹ Reproduced in *Juridical Yearbook*, 1972, pp. 32 and 33.
- ⁴² Certain departures from, or amendments to, the standard text were introduced at the request of the host Government.
- ⁴³ Reproduced in *Juridical Yearbook*, 1972, p. 33.
- ⁴⁴ *Ibid.*

⁴⁵ Came into force on 11 January 1984.

⁴⁶ Translation prepared by the Secretariat of the United Nations on the basis of a Spanish text of the Agreement provided by the Permanent Mission of Venezuela to the United Nations.

⁴⁷ Came into force on the date of signature.

⁴¹ Reproduced in *Juridical Yearbook*, 1968, p. 56.

⁴⁹ United Nations, *Treaty Series*, vol. 374, p. 147.

^w It was stated in the instrument of acceptance that the Government of China "has reservations on sections 26 and 34, which stipulate that differences shall be referred to the International Court of Justice and the opinion given by the Court shall be accepted as decisive by the parties to the differences".

Subsequently it was confirmed by the Chinese Mission to IAEA that:

"The reservations referred to in the said instrument are not intended on the entire provisions of section 26 of the Agreement, but only on those provisions regarding the reference of differences to the International Court of Justice and the decisiveness of opinions of the Court."