

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

1992

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.<sup>1</sup> Approved by the General Assembly of the United Nations on 13 February 1946

The following States acceded or succeeded to the Convention in 1992:<sup>2</sup>

<i>State</i>	<i>Date of receipt of instrument of accession or succession</i>
Republic of Korea .....	9 April 1992
Slovenia.....	6 July 1992 (succession)
Azerbaijan.....	13 August 1992
Bahrain.....	17 September 1992
Croatia.....	12 October 1992 (succession)

This brought to 131 the number of States parties to the Convention.<sup>3</sup>

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#### 2. AGREEMENTS RELATING TO INSTALLATIONS AND MEETINGS

- (1) Agreement between the United Nations and the Republic of Colombia on the arrangements for the eighth session of the United Nations Conference on Trade and Development. Signed at Geneva on 29 January 1992<sup>4</sup>

##### *Article XIII*

##### LIABILITY

1. 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:

(a) Death, injury to persons or damage to or loss of property in or near the Conference premises referred to in article I and article III that are provided by or are under the control of the Government;

(b) Death, injury to persons or damage to or loss of property caused by, or incurred in using, the transport services referred to in article X that are provided by or are under the control of the Government;

(c) The employment for the Conference of the local staff provided by the Government under article VIII.

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

#### *Article XIV*

##### PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, to which the Republic of Colombia is a party, shall be applicable in respect of the Conference. In particular, the representatives of States referred to in article II, paragraph 1(a), above shall enjoy the privileges and immunities provided under article IV of the Convention, the officials of the United Nations performing functions in connection with the Conference referred to in article II, paragraph 1(h), and paragraph 2, shall enjoy the privileges and immunities provided under articles V or VII of the Convention and any experts on mission for the United Nations in connection with the Conference shall enjoy the privileges and immunities provided under articles VI and VII of the Convention.

2. The representatives or observers referred to in article II, paragraph 1(b), (c), (e), (f), (g) and (i) 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 Conference.

3. The representatives of the specialized and related agencies, referred to in article II, paragraph 1(d) above, shall enjoy the privileges and immunities provided under articles V and VII of the Convention on the Privileges and Immunities of the United Nations referred to in paragraph 1 above.

4. The local staff provided by the Government under article VIII shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Conference.

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

6. All persons referred to in article II shall have the right of entry into and exit from Colombia, and no impediment shall be imposed on their transit to and from the conference area. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the Conference, provided the application for the visa is made at least three weeks before the opening of the Conference; if the application is made later, the visa shall be granted not later than three days from the receipt of the application. Arrangements shall also be made to ensure that visas for the duration of the Conference are delivered on arrival at airports to participants who were unable to obtain them prior to their departure. 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 closure of the Conference.

7. For the purpose of the Convention on the Privileges and Immunities of the United Nations, the conference premises specified in article I and article III 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 subject to the authority and control of the United Nations. The premises shall be inviolable for the duration of the Conference, including the preparatory stage and the winding-up, from 28 January to 2 March 1992.

8. All persons referred to in article II above shall have the right to take out of Colombia at the time of their departure, without any restrictions, any unexpended portions of the funds they brought into Colombia and to reconvert any such funds.

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 Conference. It shall issue without delay any necessary import and export permits for this purpose.

- (2) Exchange of letters constituting an agreement between the United Nations and the Government of Poland concerning the High-level Meeting on Cooperation and Sustainable Development in the Chemical Industry, of the Economic Commission for Europe,<sup>5</sup> to be held at Warsaw from 10 to 12 March 1992. Geneva, 17 December 1991 and 24 February 1992

## I

### LETTER FROM THE UNITED NATIONS

17 December 1991

I have the honour to give you below the text of arrangements between the United Nations and the Government of Poland (hereinafter referred to as "the Government") in connection with the High-level Meeting on Cooperation and Sustainable Development in the Chemical Industry, of the Economic Commission for Europe, to be held, at the invitation of the Government, at Warsaw, from 10 to 12 March 1992.

...

4. The Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of (i) injury to person or damage to 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.

5. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which Poland is a party, shall be applicable to the Meeting, in particular:

(a) The participants 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;

(b) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and persons per-

forming 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;

(c) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Meeting;

(d) All participants and all persons performing functions in connection with the Meeting shall have the right of unimpeded entry into and exit from Poland. Visas and entry permits, where required, shall be granted promptly and free of charge.

6. The rooms, offices and related localities and facilities put at the disposal of the Meeting by the Government shall be the Meeting Area which will constitute United Nations Premises within the meaning of article II, section 3, of the Convention of 13 February 1946.

7. The Government shall notify the local authorities of the convening of the Meeting and request appropriate protection.

8. Any dispute concerning the interpretation of implementation of this Agreement, except for a dispute subject to the appropriate provision of the Convention on the Privileges and Immunities of the United Nations or of any other agreement applicable to both parties, shall be settled by negotiation or in accordance with any other procedure agreed upon by the parties.

I have the honour to propose that this letter and your affirmative answer shall constitute an agreement between the United Nations and the Government of Poland 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 additional period as is necessary for its preparation and winding up.

(Signed) Jan MARTENSON  
Director-General of the United  
Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT MISSION OF THE REPUBLIC OF POLAND TO THE OFFICE OF THE UNITED NATIONS AT GENEVA

24 February 1992

I am very pleased to confirm the general acceptance by the Government of Poland of the arrangements proposed in your letter G/LE-311/21 of 17 December 1991 concerning the High-level Meeting on Cooperation and Sustainable Development in the Chemical Industry of the Economic Commission for Europe, to be held at Warsaw, from 10 to 12 March 1992.

However, it should be noted that, as far as the Polish personnel involved in the organization of the Meeting is concerned, the Polish labour, tax and insurance law should be applicable.

As to article 4 of the text of the arrangements, the Polish side suggests its reformulation by pointing out that the Polish authorities will do their utmost to guarantee the security of the participants within the Conference Area.

(Signed) Stanislaw PRZYGDZKI  
Chargé d'affaires a.i.

- (3) Exchange of letters constituting an agreement between the United Nations and the Government of the Czech and Slovak Federal Republic concerning the arrangements for the Expert Group Meeting on Increased Awareness by Women of their Rights, including Legal Literacy,<sup>6</sup> to be held at Bratislava from 18 to 22 May 1992. Vienna, 17 January and 24 February 1992

I

LETTER FROM THE UNITED NATIONS

17 January 1992

I have the honour to refer to the arrangements for the Expert Group Meeting on Increased Awareness by Women of their Rights, including Legal Literacy, which the United Nations, in cooperation with your Government, is organizing at Bratislava, Czech and Slovak Federal Republic, from 18 to 22 May 1992.

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

...

8. The Convention on the Privileges and Immunities of the United Nations (13 February 1946), to which the Czech and Slovak Federal Republic is a party, shall be applicable in respect to 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 (21 November 1947).

9. 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.

10. Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written, and any act performed by them in their official capacity in connection with the Meeting.

11. All participants and all persons performing functions in connection with the Meeting shall have the right of unimpeded entry into and exit from the Czech and Slovak Federal Republic. 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.

12. It is further understood that your Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of:

- (i) Injury to person or damage to 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.

...

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 Czech and Slovak Federal Republic regarding the provisions of host facilities by your Government for the Expert Group Meeting on Increased Awareness by Women of their Rights, including Legal Literacy.

(Signed) Margaret J. ANSTEE  
Director-General of the United  
Nations Office at Vienna

## II

### LETTER FROM THE PERMANENT MISSION OF THE CZECH AND SLOVAK FEDERAL REPUBLIC TO THE INTERNATIONAL ORGANIZATIONS AT VIENNA

24 February 1992

The Permanent Mission of the Czech and Slovak Federal Republic to the International Organizations at Vienna presents its compliments to the United Nations Office at Vienna and has the honour to approve the arrangements between the Government of the Czech and Slovak Federal Republic and the United Nations regarding the Expert Group Meeting on Increased Awareness by Women of their Rights, including Legal Literacy, as proposed in the letter of the Director-General of the United Nations Office at Vienna No. 920/05/017 dated 17 January 1992.

The Permanent Mission of the Czech and Slovak Federal Republic to the International Organizations at Vienna hereby confirms that our exchange of letters constitutes an Agreement between the United Nations and the Government of the Czech and Slovak Federal Republic regarding the provisions of host facilities for the Expert Group Meeting.

(Signed) Jaroslav RIHA  
Ambassador

- (4) Exchange of letters constituting an agreement between the United Nations and the Government of Albania regarding the Technical Cooperation Programme on Human Rights to be implemented in Albania beginning April 1992.<sup>7</sup> Geneva, 20 and 25 February 1992

## I

### LETTER FROM THE UNITED NATIONS

20 February 1992

I have the honour to refer to the arrangement between the United Nations and the Government of the Republic of Albania (hereafter referred

to as "the Government") regarding the Technical Cooperation Programme on Human Rights to be implemented in cooperation with the Government through the Department of Foreign Affairs and the United Nations Centre for Human Rights, in Albania. The Technical Cooperation Programme contains six projects, which shall be implemented over a period of six months, beginning April 1992.

...

7. The Government will be responsible for dealing with any action, claim or other demand which may be brought against the United Nations arising out of: (a) injury to persons or damage to property on the premises referred to in paragraph 9 below; (b) the transportation provided by the Government as described in the annex; (c) the employment, for the execution of the projects of the Programme referred to in paragraph above 1 above, of the personnel provided or arranged by the Government, as described in the annex; and the Government will indemnify and hold harmless the United Nations and its officials in respect of any such action, claim or other demand.

8. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which the Republic of Albania is a party, shall be applicable to all projects of the Programme referred to in paragraph 1 above, in particular:

(a) The participants and the experts invited in accordance with paragraphs 1 and 3 above shall enjoy the privileges and immunities accorded to experts on mission for the United Nations by article VI of the Convention;

(b) Officials of the United Nations participating in or performing functions in connection with the projects referred to in paragraph 1 above of the Programme shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

(c) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants, experts and persons performing functions in connection with the projects of the Programme referred to in paragraph 1 above shall enjoy such privileges and immunities, facilities and courtesies as necessary for the independent exercise of their functions in connection with the Programme;

(d) Participants and personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Programme;

(e) All participants, experts and all persons performing functions in connection with the projects of the Programme referred to in paragraph 1 above shall have the right of unimpeded entry into and exit from the Republic of Albania. Visas and entry permits, where required, shall be granted promptly and free of charge.

9. The rooms, offices and related localities and facilities put at the disposal of the United Nations for the execution of the projects referred to in paragraph 1 above of the Programme by the Government will constitute United Nations premises within the meaning of article II, section 3, of the Convention of 13 February 1946.

10. The Government will notify the local authorities of the execution of the projects of the Programme referred to in paragraph 1 above and will request appropriate protection.

11. Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provision of the Convention on the Privileges and Immunities of the United Nations or of any other agreement applicable to both parties, shall be settled by negotiation or in accordance with any other procedure agreed upon by the parties.

I have the honour to propose that this letter and your affirmative answer will constitute a letter of understanding between the United Nations and the Government of the Republic of Albania, which will become effective on the date of your reply and will remain effective for the duration of the Technical Cooperation Programme on Human Rights and for such additional period as is necessary for its preparation and winding up.

(Signed) Jan MARTENSON  
Director-General of the United  
Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT MISSION OF THE REPUBLIC OF ALBANIA TO THE OFFICE OF THE UNITED NATIONS AT GENEVA<sup>8</sup>

25 February 1992

I have the honour to refer to your letter of 20 February 1992 regarding the Technical Cooperation Programme on Human Rights between Albania and the Centre for Human Rights and to inform you that the Albanian Government agrees to the arrangement between the United Nations and the Government of the Republic of Albania regarding the Technical Cooperation Programme on Human Rights to be implemented in Albania, beginning April 1992, as proposed in the aforementioned letter.

(Signed) Kadri CENKO  
Chargé d'affaires a.i.

- (5) Agreement between the United Nations (United Nations High Commissioner for Refugees) and the Government of Poland concerning the Legal Status, Immunities and Privileges of UNHCR and its Personnel in the Republic of Poland.<sup>9</sup> Signed at Geneva on 27 February 1992

*WHEREAS* the Office of the United Nations High Commissioner for Refugees was established by the United Nations General Assembly in its resolution 319 (IV) of 3 December 1949,

*WHEREAS* the statute of the Office of the United Nations High Commissioner for Refugees, adopted by the United Nations General Assembly in its resolution 428 (V) of 14 December 1950, provides, *inter alia*, that the High Commissioner, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the statute and of seeking permanent solutions for the problem of refugees by assisting Governments and, sub-



ject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities,

*WHEREAS* the Office of the United Nations High Commissioner for Refugees, a subsidiary organ established by the General Assembly pursuant to Article 22 of the Charter of the United Nations, is an integral part of the United Nations whose status, privileges and immunities are governed by the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946,

*WHEREAS* the Office of the United Nations High Commissioner for Refugees and the Government of the Republic of Poland wish to establish the terms and conditions under which the Office, within its mandate, shall be represented in the country,

*NOW THEREFORE*, the Office of the United Nations High Commissioner for Refugees and the Government of the Republic of Poland, in a spirit of friendly cooperation, have entered into this Agreement and agreed as follows:

#### *Article I*

#### DEFINITIONS

For the purpose of this Agreement the following definitions shall apply:

- (a) "UNHCR" means the Office of the United Nations High Commissioner for Refugees;
- (b) "High Commissioner" means the United Nations High Commissioner for Refugees or the officials to whom the High Commissioner has delegated authority to act on her behalf;
- (c) "Government" means the Government of the Republic of Poland;
- (d) "Host country" or "country" means the Republic of Poland;
- (e) "Parties" means UNHCR and the Government;
- (f) "Convention" means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946;
- (g) "UNHCR office" means all the offices and premises, installations and facilities occupied or maintained in the country;
- (h) "UNHCR Representative" means the UNHCR official in charge of the UNHCR office in the country;
- (i) "UNHCR officials" means all members of the staff of UNHCR employed under the Staff Regulations and Rules of the United Nations, with the exception of persons who are recruited locally and assigned to hourly rates as provided in General Assembly resolution 76 (I);
- (j) "Experts on mission" means individuals, other than UNHCR officials or persons performing services on behalf of UNHCR, undertaking missions for UNHCR;
- (k) "Persons performing services on behalf of UNHCR" means natural and juridical persons and their employees, other than nationals of the host country, retained by UNHCR to execute or assist in the carrying out of its programmes;
- (l) "UNHCR personnel" means UNHCR officials, experts on mission and persons performing services on behalf of UNHCR.

## Article II

### PURPOSE OF THIS AGREEMENT

This Agreement embodies the basic conditions under which UNHCR shall, within its mandate, cooperate with the Government, open an office in the country and carry out its international protection and humanitarian assistance functions in favour of refugees and other persons of its concern in the host country.

## Article III

### COOPERATION BETWEEN THE GOVERNMENT AND UNHCR

1. Cooperation between the Government and UNHCR in the field of international protection of and humanitarian assistance to refugees and other persons of concern to UNHCR shall be carried out on the basis of the statute of UNHCR, of other relevant decisions and resolutions relating to UNHCR adopted by United Nations organs and of article 35 of the Convention relating to the Status of Refugees of 1951 and article 2 of the Protocol relating to the Status of Refugees of 1967.

2. The UNHCR office shall maintain consultations and cooperation with the Government with respect to the preparation and review of projects for refugees.

3. For any UNHCR-funded projects to be implemented by the Government, the terms and conditions, including the commitment of the Government and the High Commissioner with respect to the furnishing of funds, supplies, equipment and services or other assistance for refugees shall be set forth in project agreements to be signed by the Government and UNHCR.

4. The Government shall at all times grant UNHCR personnel unimpeded access to refugees and other persons of concern to UNHCR and to the sites of UNHCR projects in order to monitor all phases of their implementation.

## Article IV

### UNHCR OFFICE

1. The Government welcomes that UNHCR establish and maintain an office or offices in the country for providing international protection and humanitarian assistance to refugees and other persons of concern to UNHCR.

2. UNHCR may designate, *with the consent of the Government*, the UNHCR office in the country to serve as a regional/area office and the Government shall be notified in writing of the number and level of the officials assigned to it.

3. The UNHCR office will exercise functions as assigned by the High Commissioner, in relation to her mandate for refugees and other persons of her concern, including the establishment and maintenance of relations between UNHCR and other governmental or non-governmental organizations functioning in the country.

## Article V

### UNHCR PERSONNEL

1. UNHCR may assign to the office in the country such officials or other personnel as UNHCR deems necessary for carrying out its international protection and humanitarian assistance functions.

2. The Government shall be informed of the category of the officials and other personnel to be assigned to the UNHCR office in the country.

3. UNHCR may designate officials to visit the country for purposes of consulting and cooperating with the corresponding officials of the Government or other parties involved in refugee work in connection with: (a) the review, preparation, monitoring and evaluation of international protection and humanitarian assistance programmes; (b) the shipment, receipt, distribution or use of the supplies, equipment and other materials furnished by UNHCR; (c) seeking permanent solutions for the problem of refugees; and (d) any other matters relating to the application of this Agreement.

#### *Article VI*

##### NOTIFICATION

1. UNHCR shall notify the Government of the names of UNHCR officials, experts on mission and other persons performing services on behalf of UNHCR, and of changes in the status of such individuals.

2. UNHCR officials, experts on mission and other persons performing services on behalf of UNHCR shall be provided with a special identity card certifying their status under this Agreement.

#### *Article VII*

##### FACILITIES FOR IMPLEMENTATION OF UNHCR HUMANITARIAN PROGRAMMES

1. The Government, in agreement with UNHCR, shall take any measure which may be necessary to exempt UNHCR officials, experts on mission and persons performing services on behalf of UNHCR from regulations or other legal provisions which may interfere with operations and projects carried out under this Agreement, and shall grant them such other facilities as may be necessary for the speedy and efficient execution of UNHCR humanitarian programmes and tasks under the mandate of UNHCR for refugees in the country.

Such measures shall include the authorization to operate, exempt from licence fees, UNHCR radio and other telecommunications equipment which meets internationally accepted standards; and in respect of airports under the jurisdiction of the Government, the granting of air traffic rights and the exemption from aircraft landing fees and royalties for all charter flights and cargo flights for emergency relief items, transportation of refugees and/or UNHCR personnel.

2. The Government, in agreement with UNHCR, shall assist the UNHCR officials in finding appropriate office premises, and shall put them at the disposal of UNHCR free of charge, or at a nominal rent.

3. The Government, in agreement with UNHCR, shall make arrangements and provide funds up to a mutually agreed amount, to cover the cost of local services and facilities for the UNHCR office, such as establishment, equipment, maintenance and rent, if any, of the office.

4. The Government shall ensure that the UNHCR office is at all times supplied with the necessary public services, and that such public services are supplied on equitable terms.

5. The Government shall take necessary measures, when required, to ensure the security and protection of the premises of the UNHCR office and its personnel.

6. The Government shall facilitate the location of suitable housing accommodation for UNHCR personnel recruited internationally.

### *Article VIII*

#### PRIVILEGES AND IMMUNITIES

1. The Government shall apply to UNHCR, its property, funds and assets, and to its officials and experts on mission the relevant provisions of the Convention on the Privileges and Immunities of the United Nations, to which the Government became a party on 8 January 1948. The Government also agrees to grant to UNHCR and its personnel such additional privileges and immunities as may be necessary for the effective exercise of the international protection and humanitarian assistance functions of UNHCR.

2. Without prejudice to paragraph 1 of this article, the Government shall in particular extend to UNHCR the privileges, immunities, rights and facilities provided in article IX to XV of this Agreement.

3. Without prejudice to the privileges and immunities accorded by this Agreement, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the Republic of Poland. UNHCR shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this Agreement shall occur.

### *Article IX*

#### UNHCR OFFICE, PROPERTY, FUNDS AND ASSETS

1. UNHCR, its property, funds and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except insofar as in any particular case it has expressly waived its immunity; it being understood that this waiver shall not extend to any measure of execution.

2. The premises of the UNHCR office shall be inviolable. The property, funds and assets of UNHCR, wherever situated and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

3. The archives of UNHCR, and in general all documents, including computer memory and memory storage, belonging to or held by it, shall be inviolable wherever located.

4. The funds, assets, income and other property of UNHCR shall be exempt from:

(a) Any form of direct taxation, provided that UNHCR will not claim exemption from charges for public utility services;

(b) Customs duties and prohibitions and restrictions on articles imported or exported by UNHCR for its official use, provided that articles imported under such exemption will not be sold in the country except under conditions agreed upon with the Government;

(c) Customs duties and prohibitions and restrictions in respect of the import and export of its publications.

5. Any materials imported or exported by UNHCR, by national or international bodies duly accredited by UNHCR to act on its behalf in connection with humanitarian assistance for refugees, shall be exempt from all customs duties and prohibitions and restrictions.

6. UNHCR shall not be subject to any financial controls, regulations or moratoria and may freely:

(a) Acquire from authorized commercial agencies, hold and use negotiable currencies, maintain foreign-currency accounts and acquire through authorized institutions, hold and use funds, securities and gold;

(b) Bring funds, securities, foreign currencies and gold into the host country from any other country, use them within the host country or transfer them to other countries.

7. UNHCR shall enjoy the most favourable legal rate of exchange.

#### *Article X*

##### COMMUNICATION FACILITIES

1. UNHCR shall enjoy, in respect of its official communications, treatment not less favourable than that accorded by the Government to any other Government including its diplomatic missions or to other intergovernmental, international organizations in matter of priorities, tariffs and charges on mail, cablegrams, telephotos, telephone, telegraph, telex and other communications, as well as rates for information to the press and radio.

2. The Government shall secure the inviolability of the official communications and correspondence of UNHCR and shall not apply any censorship to its communications and correspondence. Such inviolability, without limitation by reason of this enumeration, shall extend to publications, photographs, slides, films and sound recordings.

3. UNHCR shall have the right to use codes and to dispatch and receive correspondence and other materials by courier or in sealed bags which shall have the same privileges and immunities as diplomatic couriers and bags.

4. UNHCR shall have the right to erect and operate radio and other telecommunications equipment, on United Nations registered frequencies, and those allocated by the Government, between its offices, within and outside the country, and in particular with UNHCR headquarters in Geneva.

#### *Article XI*

##### UNHCR REPRESENTATIVE

1. The UNHCR Representative, Deputy Representative and the Liaison Officer, as the case may be, shall enjoy, while in the country, in respect of themselves, their spouses and dependent relatives the privileges and immunities, exemptions and facilities normally accorded to diplomatic envoys. For this purpose the Ministry of Foreign Affairs shall include their names in the Diplomatic List. These privileges and immunities shall include:

(a) Immunity from personal arrest or detention;

(b) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity, such immunity to continue even after termination of employment with UNHCR;

(c) Inviolability for all papers and documents, including computer memory and memory storage;

(d) The same facilities in respect of currency or exchange rate restrictions as are accorded to representatives of foreign Governments on temporary official missions;

(e) The same immunities and facilities, including immunity from inspection and seizure of their official baggage, as are accorded diplomatic envoys;

(f) Immunity from any military service obligations or any other obligatory service;

(g) Exemption, with respect to themselves, their spouses, their dependent relatives and other members of their households, from immigration restriction and alien registration;

(h) Exemption from taxation in respect of the salaries and all other remuneration paid to them by UNHCR;

(i) Exemption from any form of taxation on income derived from any source outside Poland;

(j) Prompt clearance and issuance, without cost, of visas, licences or permits, if required;

(k) Free movement to, within or from Poland to the extent necessary for the effective function of UNHCR international protection and humanitarian assistance;

(l) Permission to hold or maintain within Poland, foreign exchange, foreign currency accounts and movable property and the right upon termination of employment from UNHCR to take out of the host country their funds for the lawful possession of which they can show good cause;

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

(n) Permission to import for personal use, free of duty and other levies, prohibitions or restrictions on imports:

(i) Their furniture and personal effects in one or more separate shipments and thereafter to import necessary additions to the same, including motor vehicles, according to the regulations applicable in the country to diplomatic representatives accredited in the country and/or resident members of international organizations;

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

### *Article XII*

#### UNHCR OFFICIALS

1. Officials, other than those mentioned in the preceding article, designated by UNHCR, while in the country, shall enjoy privileges and immunities including:

(a) Immunity from personal arrest or detention;

(b) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity, such immunity to continue even after termination of employment with UNHCR;

(c) Immunity from inspection and seizure of their official baggage;

(d) Immunity from any military service obligations or any other obligatory services;

(e) Exemption, with respect to themselves, their spouses, their relatives dependent on them and other members of their households from immigration restriction and alien registration;

(f) Exemption from taxation in respect of the salaries and all other remuneration paid to them by UNHCR;

(g) Exemption from any form of taxation on income derived by them from sources outside the country;

(h) Prompt clearance and issuance, without cost, of visas, licences or permits, if required, and free movement within, to or from the country to the extent necessary for the carrying out of UNHCR international protection and humanitarian assistance programmes;

(i) Freedom to hold or maintain within the country, foreign exchange, foreign currency accounts and movable property and the right upon termination of employment with UNHCR to take out of the host country their funds for the lawful possession of which they can show good cause;

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

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

(i) Their furniture and personal effects in one or more separate shipments and thereafter to import necessary additions to the same, including motor vehicles, according to the regulations applicable in the country to diplomatic representatives accredited in the country and/or resident members of international organizations;

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

2. UNHCR officials who are nationals of or permanent residents in the host country shall enjoy only those privileges and immunities provided for in the Convention.

### *Article XIII*

#### EXPERTS ON MISSION

1. Experts performing mission for UNHCR shall be accorded such facilities, privileges and immunities as are necessary for the independent exercise of their functions. In particular they shall be accorded:

(a) Immunity from personal arrest or detention;

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

(c) Inviolability for all papers and documents;

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

(e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;

(f) The same immunities and facilities, including immunity from inspection and seizure, in respect of their personal baggage as are accorded to diplomatic envoys.

#### *Article XIV*

##### PERSONS PERFORMING SERVICES ON BEHALF OF UNHCR

1. Except as the Parties may otherwise agree, the Government shall grant to all persons performing services on behalf of UNHCR, other than nationals of the host country employed locally, the privileges and immunities specified in article V, section 18, of the Convention. In addition, they shall be granted:

(a) Prompt clearance and issuance, without cost, of visas, licences or permits necessary for the effective exercise of their functions;

(b) Free movement within, to or from the country, to the extent necessary for the implementation of the UNHCR humanitarian programmes.

#### *Article XV*

##### LOCALLY RECRUITED PERSONNEL

1. Persons recruited locally and assigned to hourly rates to perform services for UNHCR shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity.

2. The terms and conditions of employment for locally recruited personnel shall be in accordance with the relevant United Nations Staff Rules, Regulations and administrative instructions and circulars and with respect to Polish regulations, where appropriate.

3. Matters relating to the social security and other Government services relating to sickness benefits, pension, accident and unemployment insurance concerning locally recruited personnel of UNHCR will be the subject of a separate agreement between UNHCR and the Government.

#### *Article XVI*

##### WAIVER OF IMMUNITY

Privileges and immunities are granted to UNHCR personnel in the interests of the United Nations and UNHCR and not for the personal benefit of the individuals concerned. The Secretary-General of the United Nations may waive the immunity of any UNHCR personnel in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations and UNHCR.

#### *Article XVII*

##### SETTLEMENT OF DISPUTES

Any dispute between UNHCR and the Government arising out of or relating to this Agreement shall be settled amicably by negotiation or other agreed mode of settlement, failing which such dispute shall be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the chairman. If within thirty days of the request for arbitration either Party has not appointed an arbitrator or if within fifteen days of the appointment of two arbitrators the third arbitrator has not been appointed, either Party may request the President of the International Court of Justice to appoint an arbitrator. All decisions of the arbitrators shall require a vote of two of them. The procedure of the arbitration shall be fixed by the arbitrators, and the expenses of the arbitration shall be borne by the Parties as assessed by the arbitrators. The arbitral award shall contain a statement of the reasons on which it is based and shall be accepted by the Parties as the final adjudication of the dispute.



## Article XVIII

### GENERAL PROVISIONS

1. This Agreement shall enter into force on the date of its signature by both Parties and shall continue in force until terminated under paragraph 5 of this article.

2. This Agreement shall be interpreted in the light of its primary purpose, which is to enable UNHCR to carry out its international mandate for refugees fully and efficiently and to attain its humanitarian objectives in the country.

3. Any relevant matter for which no provision is made in this Agreement shall be settled by the Parties in keeping with the relevant resolutions and decisions of the appropriate organs of the United Nations. Each Party shall give full and sympathetic consideration to any proposal advanced by the other Party under this paragraph.

4. Consultations with a view to amending this Agreement may be held at the request of either Party. Amendments shall be made by joint written agreement.

5. Either Party may terminate this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the date of such notification, except as regards the normal cessation of the activities of UNHCR in the country and the disposal of its property in the country.

IN WITNESS WHEREOF the undersigned, being duly appointed representatives of the United Nations High Commissioner for Refugees and the Government, respectively, have on behalf of the Parties signed this Agreement, in English.

- (6) Memorandum of Understanding between the United Nations and the Government of Antigua and Barbuda concerning the arrangements for the Regional Seminar on the Convention on the Elimination of All Forms of Discrimination against Women.<sup>10</sup> Signed at Vienna on 28 February 1992

The United Nations and the Government of Antigua and Barbuda (hereinafter called "the Government"), desiring to convene at the invitation of the Government, the United Nations Regional Seminar on the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter called "the Seminar") in Antigua in April 1992, have reached the following understanding:

...

### Section 5

#### PRIVILEGES, IMMUNITIES AND FACILITIES

1. The Convention on the Privileges and Immunities of the United Nations (hereinafter called "the Convention") will be applicable in respect of the Seminar. The participants invited by the United Nations will enjoy the privileges and immunities accorded to experts on mission for the United Nations pursuant to article VI of the Convention. Officials of the United Nations participating in or performing functions in connection with the Seminar will enjoy the privileges and immunities provided under articles V and VII of the Convention. Officials of the specialized agencies participating in the Seminar will 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, all participants and persons performing functions in connection with the Seminar will enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Seminar.

3. Personnel provided by the Government pursuant to this Memorandum of Understanding will 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 Seminar.

4. All participants and all persons performing functions in connection with the Seminar shall have the right of unimpeded entry into and exit from Antigua and Barbuda. Visas and entry permits, where required, will be granted free of charge and as speedily as possible. Arrangements will also be made to ensure that visas for the duration of the Seminar are delivered at the airport of arrival to participants who were unable to obtain them prior to their departure.

5. For the purpose of the Convention, the Seminar premises specified in section 4 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 subject to the authority and control of the United Nations. The premises shall be inviolable for the duration of the Seminar, including the preparatory and the winding-up stages.

6. All persons referred to in section 2 above shall have the right to take out of Antigua and Barbuda at the time of their departure, without any restriction, any unexpended portions of the funds they brought in to Antigua and Barbuda in connection with the Seminar and to reconvert any such funds at the rate at which they had originally been converted.

7. The Government shall allow the temporary importation, tax-free 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 Seminar. It shall issue without delay any necessary import and export permits for this purpose.

#### *Section 6*

#### LIABILITY

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

(a) Injury to person or damage to property in conference or other premises provided for the Seminar;

(b) The transportation provided by your Government; and

(c) The employment for the Seminar of personnel provided or arranged by the Government;

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

(7) Exchange of letters constituting an agreement between the United Nations and the Government of Burundi concerning the arrangements for the twelfth session of the Advisory Committee on Science and Technology for Development,<sup>11</sup> to be held at Bujumbura from 4 to 12 May 1992. New York, 7, 18 and 28 February 1992<sup>12</sup>

## LETTER FROM THE UNITED NATIONS

7 February 1992

I have the honour to refer to the arrangements for the twelfth session of the Advisory Committee on Science and Technology for Development (ACSTD), to be held from 4 to 12 May 1992 at Bujumbura, Burundi. With the present letter, in accordance with usual practice, I wish to obtain your Government's acceptance of the following arrangements regarding the necessary services at the Meeting.

...

I would also like to propose that the following conditions apply to the Meeting:

- (a) (i) The Convention on the Privileges and Immunities of the United Nations, which Burundi ratified in 1971, 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 the Meeting or performing functions in connection with the Meeting shall enjoy the privileges and immunities provided under articles V and VII of the Convention.
  - (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.
  - (iii) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Meeting.
- (b) All participants, and anyone exercising a function related to the Meeting, shall have the right of entry into and exit from Burundi without impediment. Visas and entry permits, where required, shall be granted free of charge. If the application for the visa is made four weeks before the opening of the Meeting, the visa shall be granted as speedily as possible and not later than two weeks before the opening of the Meeting.
- (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 to persons or damage to property in conference or office premises provided for the Meeting;
  - (ii) The transportation provided and arranged 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 claim or other demand;

...

I also 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 Burundi regarding the provision of host facilities by the Government for the twelfth session of the Advisory Committee on Science and Technology for Development (ACSTD).

(Signed) Lutz BAEHR  
Officer-in-Charge of the United  
Nations Centre for Science and  
Technology for Development

## II

### LETTER FROM THE PERMANENT MISSION OF THE REPUBLIC OF BURUNDI TO THE UNITED NATIONS

18 February 1992

I have the honour to refer to your letter of 7 February 1992 and to our discussions of 11 February 1992 concerning the arrangements to be made by the Government of Burundi to ensure the complete success of the twelfth session of the Advisory Committee on Science and Technology for Development, to be held at Bujumbura, and of its deliberations.

I hereby affirm, firstly, that the Government of Burundi agrees to host the session at Bujumbura on the agreed dates, 4 to 12 May 1992.

I should also like to inform you that the Government of Burundi has made all the necessary arrangements and is actively preparing to welcome participants to the session.

The only matter pending concerns Spanish language interpretation. The Government of Burundi is awaiting the Centre's proposals, which you have agreed to submit to us.

(Signed) Benoît SEBURYAMO  
Ambassador, Permanent Representative

## III

### LETTER FROM THE PERMANENT MISSION OF THE REPUBLIC OF BURUNDI TO THE UNITED NATIONS

28 February 1992

Pursuant to my letter of 18 February 1992, I have the honour to inform you that the competent technical services have just drawn my attention to a matter of equal importance that I omitted from my above-mentioned communication.

Although the contents of that letter shall remain wholly unchanged, I should also like to affirm that the Government of Burundi has indeed accepted the arrangements proposed by the Centre, as stipulated in your letter of 7 February 1992, and that this exchange of letters constitutes the text of the Agreement between the Government of Burundi and the United Nations Centre for Science and Technology for Development.

(Signed) Benoît SEBURYAMO  
Ambassador, Permanent Representative

- (8) Exchange of letters constituting a Protocol between the United Nations and the Government of El Salvador, supplementing the Agreement concluded by the exchange of letters dated 16 and 23 July 1991 and 9 August 1991 between the United Nations and the Government of El Salvador concerning the United Nations Observer Mission in El Salvador for the purpose of verifying the observance of human rights in El Salvador in accordance with the Agreement on Human Rights, signed at San José on 26 July 1990 between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional.<sup>13 14</sup> San Salvador, 29 January 1992, and New York, 2 March 1992<sup>15</sup>

1

LETTER FROM THE MINISTRY OF FOREIGN AFFAIRS OF EL SALVADOR

29 January 1992

I have the honour to refer to Security Council resolution 729 (1992) of 14 January 1992 by which the United Nations Security Council decided, on the basis of your report and in accordance with the provisions of its resolution 693 (1991), to enlarge the mandate of the United Nations Observer Mission in El Salvador (ONUSAL) to include the verification and monitoring of the implementation of all the agreements once these are signed at Mexico City between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, in particular the Agreement on the Cessation of the Armed Conflict and the Agreement on the Establishment of a National Civil Police.

By virtue of the foregoing and taking into account the provisions of the seventh paragraph of the exchange of notes constituting an Agreement between the United Nations and the Government of El Salvador on the installation of ONUSAL in El Salvador, which provides that if the Government of El Salvador "... concludes other agreements conferring new obligations on the United Nations, supplementary agreements shall be concluded to amend these arrangements accordingly", I have the honour to propose amendment of the Agreement as follows:

"The Mission shall also have as an objective the verification, as appropriate, of compliance with the Peace Agreements signed at Mexico City, the United Mexican States, on 16 January 1992 between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, in particular the Agreement on the Cessation of the Armed Conflict and the Agreement on the Establishment of a National Civil Police; and with the Mexico and New York Agreements, of 27 April and 25 September 1991 respectively, signed between the same parties."

If the foregoing text meets with your approval, I propose that this note and your reply accepting the proposed amendment enlarging the mandate of ONUSAL shall constitute a Protocol to the Agreement on the installation of the United Nations Observer Mission in El Salvador (ONUSAL), to enter into force on completion of the necessary constitutional formalities.

(Signed) Jose Manuel PACA CASTRO  
Minister for External Relations

II  
LETTER FROM THE UNITED NATIONS

2 March 1992

I have the honour to refer to your letter dated 29 January 1992 which reads as follows:

[See letter I]

In this respect, I have the honour to confirm that the contents of the above-mentioned letter are acceptable to me and therefore your letter and this reply will be regarded as constituting a Protocol supplementing the Agreement concluded by the exchanges of letters dated 16 and 23 July 1991 and 9 August 1991 between the Government of El Salvador and the United Nations on the status, privileges and immunities of ONUSAL and its personnel. I propose, pending the completion of the constitutional requirements in El Salvador, that this Protocol take effect on the date of this letter.

*(Signed)* Boutros BOUTROS-GHALI  
Secretary-General

- (9) Exchange of letters constituting an agreement between the United Nations and the Government of Romania regarding the Technical Cooperation Programme on Human Rights to be implemented from March 1992 through December 1993.<sup>16</sup> Geneva, 28 February and 3 March 1992

I  
LETTER FROM THE UNITED NATIONS

28 February 1992

I have the honour to refer to the discussions between yourself and the staff of the Centre for Human Rights concerning the implementation of the Country Programme of Advisory Services and Technical Assistance in the field of human rights dated 23 September 1991. With respect to the implementation of that programme please find set out below the text of arrangements between the United Nations and the Government of the Republic of Romania (hereafter referred to as "the Government"):

*Arrangements between the United Nations and the Government of the Republic of Romania regarding the Technical Cooperation Programme on Human Rights to be implemented from March 1992 through December 1993.*

1. The Technical Cooperation Programme contains the projects outlined hereafter. These projects shall be implemented within the time frame set out below and the modalities specified in annex I.

...

8. The Government will be responsible for dealing with any action, claim or other demand which may be brought against the United Nations arising out of: (a) injury to persons or damage to property in the premises referred to in paragraph 10 below; (b) the transportation provided by the Government as de-

scribed in annex I; (c) the employment for the execution of any project in the Programme referred to in paragraph 1 above of the personnel provided or arranged for by the Government, as described in annex I, and the Government will indemnify and hold harmless the United Nations and its officials in respect of any such action, claim or other demand.

9. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which the Republic of Romania is a party, shall be applicable to the Programme, in particular:

(a) The participants and the experts invited in accordance with paragraphs 1 and 3 above shall enjoy the privileges and immunities accorded to experts on mission for the United Nations by article VI of the Convention;

(b) Officials of the United Nations participating in or performing functions in connection with any project referred to in paragraph 1 above of the Programme shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

(c) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants, experts and persons performing functions in connection with any project of the Programme referred to in paragraph 1 above shall enjoy such privileges and immunities, facilities and courtesies as necessary for the independent exercise of their functions in connection with the Programme;

(d) Participants and personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Programme;

(e) All participants, experts and all persons performing functions in connection with the projects of the Programme referred to in paragraph 1 above shall have the right of unimpeded entry into and exit from the Republic of Romania. Visas and entry permits, where required, shall be granted promptly and free of charge.

10. The rooms, offices and related localities and facilities put at the disposal of the United Nations for the execution of the projects referred to in paragraph 1 above and activities in connection with the Programme by the Government will constitute United Nations premises within the meaning of article II, section 3, of the Convention of 13 February 1946.

11. The Government will notify the local authorities of the execution of the projects of the Programme referred to in paragraph 1 above and will request appropriate protection.

12. Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provision of the Convention on the Privileges and Immunities of the United Nations or of any other agreement applicable to both parties, shall be settled by negotiation or in accordance with any other procedure agreed upon by the parties.

I have the honour to propose that this letter and your affirmative answer will constitute a letter of understanding between the United Nations and the Government of the Republic of Romania, which will become effective on the date of your reply and will remain effective for the duration of the Technical Coop-

eration Programme on Human Rights and for such additional period as is necessary for its preparation and winding-up.

(Signed) Jan MARTENSON  
Director-General of the United  
Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT REPRESENTATIVE OF ROMANIA TO THE EUROPEAN OFFICE OF THE UNITED NATIONS AND INTERNATIONAL ORGANIZATIONS IN SWITZERLAND

3 March 1992

With reference to your letter of 28 February 1992 concerning the implementation of the Country Programme of Advisory Services and Technical Assistance in the field of human rights, dated 23 September 1991, I have the honour to confirm the agreement of the Government of Romania with the "Arrangements between the United Nations and the Government of Romania regarding the Technical Cooperation Programme on Human Rights to be implemented from March 1992 through December 1993", as presented in your letter.

I also confirm that your letter mentioned above and my present letter constitute a letter of understanding between the Government of Romania and the United Nations which becomes effective on the date of this letter, i.e. [3 March 1992], and will remain effective for the duration of the Technical Cooperation Programme on Human Rights and for such additional period as is necessary for its preparation and winding-up.

(Signed) Romulus NEAGU  
Ambassador

- (10) Agreement between the United Nations and the Government of Indonesia regarding arrangements for the Fourth Asian and Pacific Population Conference of the United Nations Economic and Social Commission for Asia and the Pacific,<sup>17</sup> to be held at Nusa Dua, Bali, from 19 to 27 August 1992. Signed at Bangkok on 16 March 1992

#### *Article X*

#### LIABILITY

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

(a) Injury to persons or damage to or loss of property in the premises referred to in article III that are provided by or are under the control of the Government;

(b) Injury to persons or damage to or loss of property caused by, or incurred in using, the transport services referred to in article VI that are provided by or are under the control of the Government;

(c) The employment for the Conference of the personnel provided by the Government under article VIII.

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



## Article XI

### PRIVILEGES AND IMMUNITIES

1. The provisions of the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies shall be applicable in respect of the Conference. Representatives of States Members of the United Nations and of the specialized agencies and officials of the United Nations or of the specialized agencies shall enjoy the relevant privileges and immunities specified in those Conventions. Other participants invited by the United Nations to the Conference shall enjoy the privileges and immunities accorded to experts on mission for the United Nations by article VI of the Convention on the Privileges and Immunities of the United Nations.

2. Without prejudice to the provisions of the preceding paragraph, the Government of Indonesia shall accord to all participants any other privileges, immunities and facilities as are necessary for the independent exercise of their functions in connection with the Conference.

3. The Government of Indonesia will facilitate the entry into and exit from Indonesia of all participants invited by the United Nations, and no impediment shall be imposed on their transit to and from the Conference area. Visas and entry permits, where required, will be granted as speedily as possible and free of charge. Arrangements shall also be made to ensure that visas for the duration of the Conference are delivered to participants on their arrival if they were unable to obtain them prior to their arrival.

4. For the purpose of the Convention on the Privileges and Immunities of the United Nations, the conference premises specified in article III, paragraph 1, 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 subject to the authority and control of the United Nations. The premises shall be inviolable for the duration of the Conference, including the preparatory stage and the winding-up.

5. All persons referred to in article II above shall have the right to take out of the Republic of Indonesia at the time of their departure, without any restriction, any unexpended portions of the funds they brought in to the Republic of Indonesia in connection with the Conference and to reconvert any such funds at the rate at which they had originally been converted.

6. The Government shall allow without delay the temporary importation, tax-free 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 Conference, provided that such equipment items are re-exported from Indonesia at the end of the Conference or within such a period as may be agreed upon.

(11) Exchange of letters constituting an agreement between the United Nations and the Government of Chile on the convening of a Technical Conference on Practical Experience in Achieving Sustainable and Ecologically Sound Autonomous Development by Indigenous Peoples,<sup>18</sup> to be held at Santiago, Chile, from 18 to 22 May 1992. Geneva, 12 March and 23 April 1992<sup>19</sup>

12 March 1992

I have the honour to convey to you the text of an agreement between the United Nations and the Government of Chile on the convening of a Technical Conference on Practical Experience in Achieving Sustainable and Ecologically Sound Autonomous Development by Indigenous Peoples, to be held at Santiago, Chile, from 18 to 22 May 1992, which reads as follows:

...

5. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946, to which the Government of Chile is a party, shall be applicable to this Conference, in particular with regard to the following:

(a) United Nations participants and experts invited by the Under-Secretary-General for Human Rights shall enjoy the privileges and immunities granted by article VI of the Convention;

(b) United Nations officials who participate in the performance of the tasks related to the Conference shall enjoy the privileges and immunities granted by articles V and VII of the Convention;

(c) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all the participants, experts, United Nations officials and all persons performing tasks related to the Conference shall enjoy the aforesaid privileges and immunities, facilities and courteous treatment commensurate with the independent performance of their functions;

(d) In addition, under this Agreement, the participants and personnel designated by the Government of Chile shall enjoy immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(e) The Government of Chile, regardless of the nationality of the persons participating in the Conference, provided that their presence is authorized by the United Nations, shall permit them to enter Chile and remain in and exit from its territory for the duration of their functions in respect of the meetings and shall place no restrictions on the movement of these persons from and to the zone where the meetings are taking place; it shall grant them visas upon request as promptly as possible.

6. The rooms, offices, premises and related facilities provided for the Conference shall form the conference zone, which shall constitute the premises of the United Nations from 18 to 22 May 1992 in the sense of article II, section 3, of the Convention of 13 February 1946.

7. The Government of Chile shall inform the local authorities of the holding of the meeting and shall request appropriate protection.

8. The Government of Chile shall compensate the United Nations and its officials and release them from all responsibility in respect of any action, claim or suit that may be brought against them deriving from:

(a) Personal injury or damage or material losses occurring on the premises referred to in paragraph 4 and in the annex to the present Agreement;

(b) Personal injury or damage or material losses caused by or derived from the use of the transport services referred to in paragraph 4 and in the annex to the present Agreement;

(c) The employment at the Conference of the personnel provided by the Government of Chile referred to in paragraph 4 and in the annex to the present Agreement.

9. Any dispute concerning the interpretation or application of the present Agreement, with the exception of disputes covered by article VIII of the Convention on the Privileges and Immunities of the United Nations or any other agreement applicable to the two parties, shall be settled through negotiations or through procedures agreed upon by the parties.

I have the honour to propose that this letter and your affirmative reply shall constitute an agreement between the United Nations and the Government of Chile, which shall remain in force during the holding of the Conference and during any additional time that may be required for the preparation and completion of the work of the Conference.

(Signed) Antoine BLANCA  
Director-General of the United  
Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT REPRESENTATIVE OF CHILE TO THE UNITED NATIONS

23 April 1992

I have the honour to refer to the Conference on Practical Experience in Achieving Sustainable and Ecologically Sound Autonomous Development by Indigenous Peoples, to be held in Chile from 18 to 22 May 1992.

I am pleased to inform you that my Government has no comments with regard to its agreement with the United Nations for the convening of the aforesaid Conference, and I have therefore been authorized to sign this document.

(Signed) Ernesto Tironi BARRIOS  
Ambassador

- (12) Exchange of letters constituting an agreement between the United Nations and the Government of Australia regarding the Meeting of Experts on Coal Trade, Statistics and Transport of the Economic Commission for Europe,<sup>20</sup> to be held at Sydney from 18 to 22 May 1992. Geneva, 14 February and 30 April 1992

## I

### LETTER FROM THE UNITED NATIONS

14 February 1992

I have the honour to give you below the text of arrangements between the United Nations and the Government of Australia (hereinafter referred to as "the Government") in connection with the Meeting of Experts on Coal Trade, Statistics and Transport of the Economic Commission for Europe to be held, at the invitation of the Government, in Sydney, from 18 to 22 May 1992.

...

4. The Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of (i) injury to person

or damage to 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.

5. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which Australia is a party, shall be applicable to the Meeting, in particular:

(a) The participants 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;

(b) 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;

(c) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Meeting;

(d) All participants and all persons performing functions in connection with the Meeting shall have the right of unimpeded entry into and exit from Australia. Visas and entry permits, where required, shall be granted promptly and free of charge.

6. The rooms, offices and related localities and facilities put at the disposal of the Meeting by the Government shall be the Meeting Area, which will constitute United Nations premises within the meaning of article II, section 3, of the Convention of 13 February 1946.

7. The Government shall notify the local authorities of the convening of the Meeting and request appropriate protection.

8. Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provision of the Convention on the Privileges and Immunities of the United Nations or of any other agreement applicable to both parties, shall be settled by negotiation or in accordance with any other procedure agreed upon by the parties.

9. These arrangements will also apply to the technical visits which are being organized in conjunction with the Meeting.

I have the honour to propose that this letter and your affirmative answer shall constitute an agreement between the United Nations and the Government of Australia 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 additional period as is necessary for its preparation and winding-up.

(Signed) Jan MARTENSON  
Director-General of the United  
Nations Office at Geneva

## II

### LETTER FROM THE AUSTRALIAN PERMANENT REPRESENTATIVE TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

30 April 1992

#### MEETING OF EXPERTS ON COAL TRADE, STATISTICS AND TRANSPORT OF THE ECONOMIC COMMISSION FOR EUROPE—SYDNEY MAY 1992

Based on the understandings reached between the ECE secretariat staff and Australian officials, Australia can accept the terms of the host agreement for the above meeting.

(Signed) David HAWES  
Ambassador

- (13) Exchange of letters constituting an agreement between the United Nations and the Government of Turkey concerning arrangements regarding the Seventh Conference on Urban and Regional Research, of the Economic Commission for Europe,<sup>21</sup> to be held at Ankara from 29 June to 3 July 1992. Geneva, 24 January and 4 May 1992

## I

### LETTER FROM THE UNITED NATIONS

24 January 1992

I have the honour to give you below the text of arrangements between the United Nations and the Government of Turkey (hereinafter referred to as "the Government") in connection with the Seventh Conference on Urban and Regional Research of the Economic Commission for Europe, to be held, at the invitation of the Government, at Ankara from 29 June to 3 July 1992.

...

4. The Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of (i) injury to person or damage to property in conference or office premises provided for the Conference; (ii) the transportation provided by the Government; and (iii) the employment for the Conference of personnel provided or arranged by the Government. The host country excludes its liability for cases of gross negligence or wilful misconduct of these officials and persons.

5. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which Turkey is a party, shall be applicable to the Conference, in particular:

(a) The participants 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 Conference shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

(b) 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 Conference shall enjoy such privileges

and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Conference;

(c) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Conference;

(d) All participants and all persons performing functions in connection with the Conference shall have the right of unimpeded entry into and exit from Turkey. Visas and entry permits, where required, shall be granted promptly and free of charge.

6. The rooms, offices and related localities and facilities put at the disposal of the Conference by the Government shall be the Conference Area, which will constitute United Nations premises within the meaning of article II, section 3, of the Convention of 13 February 1946.

7. The Government shall notify the local authorities of the convening of the Meeting and request appropriate protection.

8. Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provision of the Convention on the Privileges and Immunities of the United Nations or of any other agreement applicable to both parties, shall be settled by negotiation or in accordance with any other procedure agreed upon by the parties.

9. These arrangements will also apply to the technical visits which are being organized in conjunction with the Meeting.

I have the honour to propose that this letter and your affirmative answer shall constitute an agreement between the United Nations and the Government of Turkey which shall enter into force on the date of your reply and shall remain in force for the duration of the Conference and for such additional period as is necessary for its preparation and winding-up.

(Signed) Jan MARTENSON  
Director-General of the United  
Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT REPRESENTATIVE OF TURKEY TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS AT GENEVA

4 May 1992

With reference to your letter dated 24 January 1992 regarding the arrangements between the United Nations and the Government of the Republic of Turkey in connection with the Seventh Conference on Urban and Regional Research of the Economic Commission for Europe, to be held at Ankara from 29 June to 3 July 1992, I have the honour to inform you that the contents of your letter under reference and of its annex have met with the approval of the relevant Turkish authorities, with the following slight amendment at the end of article 4: "The host country excludes its liability for cases of gross negligence or wilful misconduct of these officials and persons."

I would also like to confirm that your letter and my present affirmative answer shall constitute an agreement between the United Nations and the Gov-

ernment of the Republic of Turkey, which shall enter into force as of this date and shall remain in force for the duration of the meeting and for such additional period as is necessary for its preparation and winding-up.

(Signed) Gündüz AKTAN  
Ambassador

(14) Agreement between the United Nations and the Supreme National Council of Cambodia on the status of the United Nations Transitional Authority in Cambodia.<sup>22</sup> Signed at Phnom Penh on 7 May 1992

Agreement between the Supreme National Council of Cambodia and the United Nations on the status of the United Nations Transitional Authority in Cambodia

I. Definitions

1. For the purpose of the present Agreement the following definitions shall apply:

(a) "UNTAC" means the United Nations Transitional Authority in Cambodia established pursuant to Security Council resolution 745 (1992) of 28 February 1992, with the terms of reference as described in the report of the Secretary-General of 19 February 1992 (S/23613) which was approved by the Security Council in resolution 745 (1992). UNTAC shall consist of:

(i) The "Special Representative" appointed by the Secretary-General of the United Nations with the consent of the Security Council. Any reference to the Special Representative in this Agreement shall, except in paragraph 22, include any member of UNTAC to whom he delegates a specified function or authority;

(ii) A "civilian element", consisting of United Nations officials and of other persons assigned by the Secretary-General to assist the Special Representative or made available by participating States to serve as a part of UNTAC;

(iii) A "military element" consisting of military and civilian personnel made available by participating States to serve as a part of UNTAC;

(b) A "member of UNTAC" means any member of the civilian or military element but unless specifically stated otherwise does not include locally recruited personnel;

(c) "Participating State" means a State contributing personnel to any of the above-mentioned elements of UNTAC;

(d) "The Supreme National Council of Cambodia" (hereinafter referred to as "the SNC") means the "unique legitimate body and source of authority in which, throughout the transitional period, the sovereignty, independence and unity of Cambodia are enshrined" in accordance with article 3 of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed at Paris on 23 October 1991 (hereinafter referred to as "the Agreement");

(e) "The existing administrative structures" means the agencies, bodies and offices of the existing administrative structures in all parts of Cambodia subject to the levels of interaction of UNTAC as provided for in the Agreement to ensure that the objectives of article 6 of the Agreement are fulfilled;

(f) "The Convention" means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946.

## II. Application of the present Agreement

2. Unless specifically provided otherwise, the provisions of the present Agreement and any obligation undertaken by the SNC or any privilege, immunity, facility or concession granted to UNTAC or any member thereof apply throughout Cambodia.

## III. Application of the Convention

3. UNTAC, its members, property, funds and assets shall enjoy the privileges and immunities specified in the present Agreement as well as those provided for in the Convention, to which Cambodia is a party.

4. Article II of the Convention, which applies to UNTAC, shall also apply to the property, funds and assets of participating States used in connection with UNTAC.

## IV. Status of UNTAC

5. UNTAC and its members shall refrain from any action or activity incompatible with the impartial and international nature of their duties or inconsistent with the spirit of the present arrangements. The Special Representative shall take all appropriate measures to ensure the observance of these principles.

6. The SNC undertakes to respect the exclusively international nature of UNTAC.

### *United Nations flag and vehicle markings*

7. UNTAC shall enjoy the right to display within the territory of Cambodia the United Nations flag on its headquarters, camps or other premises, vehicles, vessels and otherwise as decided by the Special Representative. Other flags or pennants may be displayed only in exceptional cases. In these cases, UNTAC shall give sympathetic consideration to observations or requests of the SNC.

8. Vehicles, vessels and aircraft of UNTAC shall carry a distinctive United Nations identification, which shall be notified to the SNC.

### *Communications*

9. UNTAC shall enjoy the facilities in respect to communications provided in article III of the Convention and shall, in coordination with the SNC, use such facilities as may be required for the performance of its task. Issues with respect to communications which may arise and which are not specifically provided for in the present Agreement shall be dealt with pursuant to the relevant provisions of the Convention.

10. Subject to the provisions of paragraph 9:

(a) UNTAC shall have authority to install and operate radio sending and receiving stations as well as satellite systems to connect appropriate points within the territory of Cambodia with each other and with United Nations offices in other countries, and to exchange traffic with the United Nations global telecommunication network. The telecommunication services shall be operated in accordance with the International Telecommunication Convention and Regula-



tions and the frequencies on which any such station may be operated shall be decided upon in cooperation with the SNC and shall be communicated by the United Nations to the International Frequency Registration Board;

(b) UNTAC shall enjoy, within the territory of Cambodia, the right to unrestricted communication by radio (including satellite, mobile and hand-held radio, telephone, telegraph, facsimile or any other means) and of establishing the necessary facilities for maintaining such communications within and between premises of UNTAC, including the laying of cables and land lines and the establishment of fixed and mobile radio sending, receiving and repeater stations. The frequencies on which the radio will operate shall be decided upon in cooperation with the existing administrative structures. It is understood that the use of the local system of telegraphs, telex and telephones will be charged at the most favourable rate;

(c) UNTAC may make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of UNTAC. The SNC shall be informed of the nature of such arrangements. The existing administrative structures shall not interfere with or apply censorship to the mail of UNTAC or its members.

#### *Travel and transport*

11. UNTAC and its members shall enjoy, together with its vehicles, vessels, aircraft and equipment, freedom of movement throughout Cambodia. The SNC may be informed of large movements of personnel, stores or vehicles through airports or on railways or roads used for general traffic within Cambodia. The SNC undertakes to supply UNTAC, where necessary, with maps and other information, including locations of minefields and other dangers and impediments, so as to facilitate its movements.

12. Vehicles, including all military vehicles, vessels and aircraft of UNTAC, shall not be subject to registration or licensing by the SNC provided that all such vehicles shall carry the third-party insurance required by relevant legislation.

13. UNTAC may use roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls or charges, including wharfage charges. However, UNTAC will not claim exemption from charges which are in fact charges for services rendered.

#### *Privileges and immunities of UNTAC*

14. UNTAC, as a subsidiary organ of the United Nations, enjoys the status, privileges and immunities of the United Nations in accordance with the Convention. The provision of article II of the Convention which applies to UNTAC shall also apply to the property, funds and assets of participating States used in Cambodia in connection with the national contingents serving in UNTAC, as provided for in paragraph 4 of the present Agreement. The SNC recognizes the right of UNTAC in particular:

(a) To import, free of duty or other restrictions, equipment, provisions, supplies and other goods which are for the exclusive and official use of UNTAC or for resale in the commissaries provided for hereinafter;

(b) To establish, maintain and operate commissaries at its headquarters, camps and posts for the benefit of the members of UNTAC, but not of locally recruited personnel. Such commissaries may provide goods of a consumable na-

ture and other articles to be specified in advance. The Special Representative shall take all necessary measures to prevent abuse of such commissaries and the sale or resale of such goods to persons other than members of UNTAC, and he shall give sympathetic consideration to observations or requests of the SNC concerning the operation of the commissaries;

(c) To clear ex customs and excise warehouse, free of duty or other restrictions, equipment, provisions, supplies and other goods which are for the exclusive and official use of UNTAC or for resale in the commissaries provided for above;

(d) To re-export or otherwise dispose of such equipment, as far as it is still usable, all unconsumed provisions, supplies and other goods so imported or cleared ex customs and excise warehouse which are not transferred, or otherwise disposed of, on terms and conditions to be agreed upon, with the competent authorities of Cambodia or with an entity nominated by them.

To the end that such importation, clearance, transfer or exportation may be effected with the least possible delay, a mutually satisfactory procedure, including documentation, shall be agreed between UNTAC and the SNC at the earliest possible date.

## V. Facilities for UNTAC

### *Premises required for conducting the operational and administrative activities of UNTAC and for accommodating members of UNTAC*

15. Areas for headquarters, camps or other premises as may be necessary for the conduct of the operational and administrative activities of UNTAC and for the accommodation of the members of UNTAC shall, as far as possible, be provided at no cost to the United Nations. Without prejudice to the fact that all such premises remain Cambodian territory, they shall be inviolable and subject to the exclusive control and authority of the United Nations. Where United Nations troops are co-located with local military personnel, a permanent, direct and immediate access by UNTAC to those premises shall be guaranteed.

16. Water, electricity and other facilities shall, as far as possible, be provided free of charge, or, where this is not possible, at the most favourable rate. In the case of interruption or threatened interruption of service, priority shall be given as far as possible to UNTAC. UNTAC shall be responsible for the maintenance and upkeep of facilities so provided.

17. UNTAC shall have the right, where necessary, to generate, within its premises, electricity for its use and to transmit and distribute such electricity.

18. The United Nations alone may consent to the entry of any Cambodian official or of any other person not a member of UNTAC to such premises.

### *Provisions, supplies and services, and sanitary arrangements*

19. UNTAC shall be provided with assistance, as far as possible, in obtaining equipment, provisions, supplies and other goods and services from local sources required for its subsistence and operations. In making purchases on the local market, UNTAC shall, on the basis of observations made and information provided by the SNC in that respect, avoid any adverse effect on the local economy. UNTAC shall be exempt from general sales taxes in respect of all official local purchases.

20. UNTAC and the existing administrative structures shall cooperate with respect to sanitary services and shall extend to each other the fullest cooperation in matters concerning health, particularly with respect to the control of communicable diseases, in accordance with international conventions.

*Recruitment of local personnel*

21. UNTAC may freely recruit locally such personnel as it requires.

VI. Status of the members of UNTAC

*Privileges and immunities*

22. The Special Representative, the Deputy Special Representative, the Commander of the military component and such high-ranking members of UNTAC as may be designated by the Special Representative shall have the status specified in sections 19 and 27 of the Convention, provided that the privileges and immunities therein referred to shall be those accorded to diplomatic envoys by international law.

23. Other United Nations officials, including United Nations Volunteers, assigned to serve with UNTAC remain officials of the United Nations entitled to the privileges and immunities of articles V and VII of the Convention.

24. Military observers, civilian police personnel and civilian personnel other than United Nations officials whose names are for the purpose notified to the SNC by the Special Representative shall be considered as experts on mission within the meaning of article VI of the Convention.

25. Military personnel of national contingents assigned to the military component of UNTAC shall have the privileges and immunities specifically provided for in the present Agreement.

26. Unless otherwise specified in the present Agreement, locally recruited members of UNTAC shall enjoy the immunities concerning official acts and exemption from taxation and national service obligations provided for in section 18 (a), (b) and (c) of the Convention.

27. Members of UNTAC shall be exempt from taxation on the pay and emoluments received from the United Nations or from a participating State and any income received from outside Cambodia. They shall also be exempt from all other direct taxes, except for charges for public utility services rendered, and from all registration fees and charges.

28. Members of UNTAC shall have the right to import free of duty their personal effects. All facilities will be granted for the speedy processing of entry and exit formalities for all members of UNTAC, including the military component, upon prior written notification. On departure from Cambodia, members of UNTAC may take with them such funds as the Special Representative certifies were received in pay and emoluments from the United Nations or from a participating State and are a reasonable residue thereof.

*Entry, residence and departure*

29. The Special Representative and members of UNTAC, whenever so required by the Special Representative, shall have the right to enter into, reside in and depart from Cambodia.

30. The existing administrative structures undertake to facilitate the entry into and departure from Cambodia of the Special Representative and mem-

bers of UNTAC and shall be kept informed of such movement. For that purpose, the Special Representative and members of UNTAC shall be exempt from passport and visa regulations and immigration inspection and restrictions on entering into or departing from Cambodia. They shall also be exempt from any regulations governing the residence of aliens in Cambodia, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in Cambodia.

31. For the purpose of such entry or departure, members of UNTAC shall only be required to have: (a) an individual or collective movement order issued by or under the authority of the Special Representative or any appropriate authority of a participating State; and (b) a personal identity card issued in accordance with paragraph 32 of the present Agreement, except in the case of first entry, when the personal identity card issued by the appropriate authorities of a participating State shall be accepted in lieu of the said identity card.

#### *Identification*

32. The Special Representative shall issue to each member of UNTAC, before or as soon as possible after such member's first entry into, as well as to all locally recruited personnel, a numbered identity card, which shall show full name, date of birth, title or rank, service (if appropriate) and photograph. Except as provided for in paragraph 31 of the present Agreement, such identity card shall be the only document required of a member of UNTAC.

33. Members of UNTAC as well as locally recruited personnel shall be required to present, but not to surrender, their UNTAC identity cards upon demand of an appropriate local official.

#### *Uniform and arms*

34. Military members and the civilian police personnel of UNTAC shall wear, while performing official duties, the national military or police uniform of their respective States with standard United Nations accoutrements. United Nations Security Officers and Field Service Officers may wear the United Nations uniform. The wearing of civilian dress by the above-mentioned members of UNTAC may be authorized by the Special Representative at other times. Military members and civilian police of UNTAC and United Nations Security Officers designated by the Special Representative may possess and carry arms while on duty in accordance with their orders.

35. A permit or licence issued by the Special Representative for the operation by any member of UNTAC, including locally recruited personnel, of any transport or communication equipment and for the practice of any profession or occupation in connection with the functioning of UNTAC shall be accepted as valid, without tax or fee, provided that no licence to drive a vehicle or pilot an aircraft shall be issued to any person who is not already in possession of an appropriate and valid licence.

36. Without prejudice to the provisions of paragraph 34, a permit or licence issued by the Special Representative to a member of UNTAC for the carrying or use of firearms or ammunition in connection with the functioning of UNTAC shall be accepted as valid, without tax or fee.

#### *Military police, arrest and transfer of custody, and mutual assistance*

37. The Special Representative shall take all appropriate measures to ensure the maintenance of discipline and good order among members of UNTAC,

as well as locally recruited personnel. To this end personnel designated by the Special Representative shall police the premises of UNTAC and such areas where its members are deployed. Elsewhere such personnel shall be deployed only subject to arrangements with the SNC and in liaison with it insofar as such deployment is necessary to maintain discipline and order among members of UNTAC.

38. The military police of UNTAC shall have the power of arrest over the military members of UNTAC. Military personnel placed under arrest outside their own contingent areas shall be transferred to their contingent Commander for appropriate disciplinary action. The personnel mentioned in paragraph 37 above may take into custody any other person on the premises of UNTAC. Such other person not being a member of UNTAC shall be delivered immediately to the nearest appropriate official of the existing administrative structures for the purpose of dealing with any offence or disturbance on such premises.

39. Subject to the provisions of paragraphs 22 and 24, officials of the existing administrative structures may take into custody any member of UNTAC:

(a) When so requested by the Special Representative; or

(b) When such a member of UNTAC is apprehended in the commission or attempted commission of a criminal offence. Such person shall be delivered immediately, together with any weapons or other item seized, to the nearest appropriate representative of UNTAC, whereafter the provisions of paragraph 44 shall apply *mutatis mutandis*.

40. When a person is taken into custody under paragraph 38 or paragraph 39 (b), the arresting authority, as the case may be, may make a preliminary interrogation but may not delay the transfer of custody. Following such transfer, the person concerned shall be made available upon request to the arresting authority for further interrogation.

41. UNTAC and the existing administrative structures shall assist each other in carrying out all necessary investigations into offences in respect of which either or both have an interest, in the production of witnesses and in the collection and production of evidence, including the seizure of and, if appropriate, the handing over of items connected with an offence. The handing over of any such items may be made subject to their return within the terms specified by the authority delivering them. Each shall notify the other of the disposition of any case in the outcome of which the other may have an interest or in which there has been a transfer of custody under the provisions of paragraphs 38 to 40.

42. The existing administrative structures shall ensure the prosecution of persons subject to its criminal jurisdiction who are accused of acts in relation to UNTAC or its members which, if committed in relation to the forces of the existing administrative structures, would have rendered such acts liable to prosecution.

43. All members of UNTAC, including locally recruited personnel, shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue even after they cease to be members of or employed by UNTAC and after the expiration of the other provisions of the present Agreement.

44. Should the existing administrative structures consider that any member of UNTAC has committed a criminal offence, it shall promptly inform the

Special Representative and present to him any evidence available to them. Subject to the provisions of paragraph 22:

(a) If the accused person is not a military member of the military component of UNTAC, the Special Representative shall conduct any necessary supplementary inquiry and determine whether or not criminal proceedings should be instituted;

(b) Military members of the military component of UNTAC shall be subject to the exclusive jurisdiction of their respective participating States in respect of any criminal offence which may be committed by them in Cambodia.

45. If any civil proceeding is instituted against a member of UNTAC before any court of Cambodia, the Special Representative shall be notified immediately, and he shall certify to the court whether or not the proceeding is related to the official duties of such member:

(a) If the Special Representative certifies that the proceeding is related to official duties, such proceeding shall be discontinued and the provisions of paragraph 47 of the present Agreement shall apply;

(b) If the Special Representative certifies that the proceeding is not related to official duties, the proceeding may continue. If the Special Representative certifies that a member of UNTAC is unable because of official duties or authorized absence to protect his/her interests in the proceeding, the court shall at the defendant's request suspend the proceeding until the elimination of the disability, but for not more than ninety days. Property of a member of UNTAC that is certified by the Special Representative to be needed by the defendant for the fulfilment of his/her official duties shall be free from seizure for the satisfaction of a judgement, decision or order. The personal liberty of a member of UNTAC shall not be restricted in a civil proceeding, whether to enforce a judgement, decision or order, to compel an oath or for any other reason.

#### *Deceased members*

46. The Special Representative shall have the right to take charge of and dispose of the body of a member of UNTAC who dies in Cambodia, as well as that member's personal property located within Cambodia, in accordance with United Nations procedures.

#### VII. Settlement of disputes

47. Except as provided in paragraph 48, any dispute or claim of a private law character to which UNTAC or any member thereof is a party and over which the courts of Cambodia do not have jurisdiction because of any provision of the present Agreement, shall be settled by a standing claims commission to be established for that purpose. One member of the commission shall be appointed by the Secretary-General of the United Nations, one member by the SNC and a chairman jointly by the Secretary-General and the SNC. If no agreement as to the chairman is reached within thirty days of the appointment of the first member of the commission, the President of the International Court of Justice may, at the request of either the Secretary-General of the United Nations or the SNC, appoint the chairman. Any vacancy on the commission shall be filled by the same method prescribed for the original appointment, provided that the thirty-day period there prescribed shall start as soon as there is a vacancy in the chairmanship. The commission shall determine its own procedures, provided that any two members shall constitute a quorum for all purposes (except for a period of thirty

days after the creation of a vacancy) and all decisions shall require the approval of any two members. The awards of the commission shall be final and binding, unless the Secretary-General of the United Nations and the SNC permit an appeal to a tribunal established in accordance with paragraph 48. The awards of the commission shall be notified to the parties and, if against a member of UNTAC, the Special Representative or the Secretary-General of the United Nations shall use his best endeavours to ensure compliance.

48. Any appeal that UNTAC and the SNC agree to allow from the award of the claims commission established pursuant to paragraph 47 shall, unless otherwise agreed by the parties, be submitted to a tribunal of three arbitrators. The provisions relating to the establishment and procedures of the claims commission shall apply, *mutatis mutandis*, to the establishment and procedures of the tribunal. The decisions of the tribunal shall be final and binding on both parties.

49. Disputes concerning the terms of employment and conditions of service of locally recruited personnel shall be settled by the administrative procedures to be established by the Special Representative.

50. All differences between the United Nations and the SNC arising out of the interpretation or application of the present arrangements which involve a question of principle concerning the Convention shall be dealt with in accordance with the procedure of section 30 of the Convention.

#### VIII. Supplemental arrangements

51. The Special Representative and the SNC may conclude supplemental arrangements to the present Agreement.

#### IX. Miscellaneous Provisions

52. Wherever the present Agreement refers to the privileges, immunities and rights of UNTAC and to the facilities provided to UNTAC, the SNC shall have the ultimate responsibility for the implementation and fulfilment of such privileges, immunities, rights and facilities by the appropriate local Cambodian authorities.

53. The present Agreement shall enter into force upon signature by or for the Secretary-General of the United Nations and the SNC.

54. The present Agreement shall remain in force until the departure of the final element of UNTAC from Cambodia except that:

(a) The provisions of paragraphs 43, 48 and 50 shall remain in force;

(b) The provisions of paragraph 47 shall remain in force until all claims have been settled that arose prior to the termination of the present Agreement and were submitted prior to or within three months of such termination.

(15) Exchange of letters constituting an agreement between the United Nations and the Government of Poland on arrangements regarding the Seminar on the Restructuration and Management Techniques in Steel Industries in Countries in Transition towards Market Economy Conditions, of the Economic Commission for Europe,<sup>23</sup> to be held at Dabrowa Górnicza from 18 to 22 May 1992. Geneva, 17 March and 15 May 1992

## LETTER FROM THE UNITED NATIONS

17 March 1992

I have the honour to give you below the text of arrangements between the United Nations and the Government of Poland (hereinfter referred to as "the Government") in connection with the Seminar on the Restructuration and Management Techniques in Steel Industries in Countries in Transition towards Market Economy Conditions, of the Economic Commission for Europe, to be held, at the invitation of the Government, at Dabrowa Górnicza from 18 to 22 May 1992.

...

4. The Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of: (i) injury to person or damage to property in conference or office premises provided for the Seminar; (ii) the transportation provided by the Government; and (iii) the employment for the Seminar 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.

5. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which Poland is a party, shall be applicable to the Meeting, in particular:

(a) The participants 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;

(b) 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;

(c) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Meeting;

(d) All participants and all persons performing functions in connection with the Meeting shall have the right of unimpeded entry into and exit from Poland. Visas and entry permits, where required, shall be granted promptly and free of charge.

6. The rooms, offices and related localities and facilities put at the disposal of the Meeting by the Government shall be the Meeting Area, which will constitute United Nations premises within the meaning of article II, section 3, of the Convention of 13 February 1946.

7. The Government shall notify the local authorities of the convening of the Meeting and request appropriate protection.

8. Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provision of the Convention on the Privileges and Immunities of the United Nations or of any other agreement applicable to both parties, shall be settled by negotiation or in accordance with any other procedure agreed upon by the parties.



9. These arrangements will also apply to the technical visits which are being organized in conjunction with the Meeting.

I have the honour to propose that this letter and your affirmative answer shall constitute an agreement between the United Nations and the Government of Poland 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 additional period as is necessary for its preparation and winding-up.

(Signed) Antoine BLANCA  
Director-General of the United  
Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT MISSION OF THE REPUBLIC OF POLAND TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL OR- GANIZATIONS AT GENEVA

15 May 1992

I am very pleased to confirm the acceptance by the Government of Poland of the arrangements proposed in your letter of 17 March 1992 concerning the Seminar on the Restructuration and Management Techniques in Steel Industries in Countries in Transition towards Market Economy Conditions, of the Economic Commission for Europe, to be held at Dabrowa Górnicza from 18 to 22 May 1992.

(Signed) Stanislaw PRZYGDZKI  
Chargé d'affaires a.i.

(16) Agreement between the United Nations and the Government of Belarus relating to the Establishment of the United Nations Interim Office in Minsk.<sup>24</sup> Signed at Geneva on 15 May 1992

*WHEREAS* the Government of the Republic of Belarus has expressed its interest that the United Nations establish an interim office in Minsk with a view to supporting and supplementing the national efforts in solving the most important problems of economic development and promoting social progress and a better standard of life, to disseminate information and enhance public awareness of the role and activities of the Organization;

*WHEREAS* the Government of the Republic of Belarus has agreed to ensure the availability of all the necessary facilities to enable the interim office to perform fully and effectively its functions, including its scheduled programmes of work and any related activities, and to fulfill its purposes in cooperation and harmony with the Government and people of the Republic of Belarus;

*CONSIDERING* that the Government of the Republic of Belarus has agreed to apply to the interim office, as an organizational unit of the United Nations, and to its officials the relevant provisions of the Convention on the Privileges and Immunities of the United Nations;

*DESIRING* to conclude an agreement with a view to regulating questions arising from the establishment in Minsk of the United Nations Interim Office;

Have, in a spirit of friendly cooperation, agreed as follows:

*Article 1*  
DEFINITIONS

For the purpose of the present Agreement, the following definitions shall apply:

(a) "Office" means the United Nations Interim Office, an organizational unit through which the United Nations provides assistance and cooperation in programmes as well as public information; it may include field sub-offices established in the country;

(b) "The Government" means the Government of the Republic of Belarus;

(c) "The appropriate authorities" means central, local and other competent authorities under the law of the Republic of Belarus;

(d) "Convention" means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946;

(e) "Parties" means the United Nations and the Government of the Republic of Belarus;

(f) "Head of the Office" means the official in charge of the United Nations Interim Office;

(g) "Officials of the Office" means the Head of the Office and all members of its staff, irrespective of nationality, employed under the Staff Rules and Regulations of the United Nations with the exception of persons who are recruited locally and assigned to hourly rates as provided for in General Assembly resolution 76(I) of 7 December 1946;

(h) "Experts on mission" means individuals, other than Office officials or persons performing services on behalf of the United Nations, undertaking missions, coming within the scope of articles VI and VII of the Convention;

(i) "Persons performing services on behalf of the United Nations" means individual contractors, other than officials engaged by the Office, to execute or assist in the carrying out of its programmes or other related activities;

(j) "Office premises" means all the premises occupied by the Office or field sub-offices, including installations and facilities made available to or occupied, maintained or used by the United Nations in the Republic of Belarus and notified as such to the Government;

(k) "UNDP" means the United Nations Development Programme;

(l) "Organization" means the United Nations;

(m) "Country" means the Republic of Belarus.

*Article 2*

PURPOSE AND SCOPE OF ACTIVITIES

The Office shall:

1. Cooperate with the Government in programmes of assistance aimed at promoting economic development and social progress through, *inter alia*, carrying out economic and social studies and research, technical cooperation, the training of personnel and dissemination of information.

2. Coordinate the work in the country of UNDP, UNHCR, UNICEF, UNEP and other organs of the Organization, in accordance with the relevant resolutions, decisions, regulations, rules and policies of the United Nations.

3. Carry out such other activities as may be entrusted to the Office by the Secretary-General of the United Nations.

4. If necessary, United Nations organs and programmes may enter into supplemental agreements with the Government of the Republic of Belarus concerning their projects of assistance, pursuant to article 18 below.

### *Article 3*

#### JURIDICAL PERSONALITY AND LEGAL CAPACITY

The United Nations, acting through the Office, shall have the capacity:

- (a) To contract;
- (b) To acquire and dispose of movable and immovable property;
- (c) To institute legal proceedings.

### *Article 4*

#### APPLICATION OF THE CONVENTION

The Convention shall be applicable to the Office, its property, funds and assets, to its officials and experts on mission in the country.

### *Article 5*

#### STATUS OF THE OFFICE

1. The United Nations shall establish and maintain an Interim Office in the country for the purpose of discharging its activities in accordance with the present Agreement or any other supplemental agreements referred to in article 18 below.

2. The United Nations, its property, funds and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is understood, however, that no waiver of immunity shall extend to any measure of execution.

3. (a) The premises of the Office shall be inviolable. The property and assets of the Office, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action;

(b) The appropriate authorities shall not enter the Office premises to perform any official duties, except with the express consent of the Head of the Office and under conditions agreed to by him or her.

4. The appropriate authorities shall exercise due diligence to ensure the security and protection of the Office, and to ensure that the tranquility of the Office is not disturbed by the unauthorized entry of persons or groups of persons from outside or by disturbances in its immediate vicinity.

5. The archives of the Office, and in general all documents belonging to it, wherever located and by whomsoever held, shall be inviolable.

### *Article 6*

#### OFFICE FUNDS, ASSETS AND OTHER PROPERTY

1. Without being restricted by financial controls, regulations or moratoriums of any kind, the Office:

(a) May hold and use funds, gold or negotiable instruments of any kind and maintain and operate accounts in any currency and convert any currency held by it into any other currency;

(b) Shall be free to transfer its funds, gold or currency from one country to another or within any country, to other organizations or agencies of the United Nations system;

(c) Shall be accorded the most favourable, legally available rate of exchange for its financial transactions.

2. The Office, its assets, income and other property shall:

(a) Be exempt from all direct taxes, value-added tax, fees, tolls or duties; it is understood, however, that the Office will not claim exemption from taxes which are, in fact, no more than charges for public utility services, rendered by the Government or by a corporation under Government regulation, at a fixed rate according to the amount of services rendered and which can be specifically identified, described and itemized;

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

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

#### *Article 7*

##### OFFICIALS OF THE OFFICE

1. Officials of the Office shall:

(a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue to be accorded after termination of employment with the Office;

(b) Be exempt from taxation on the salaries and emoluments paid to them by the Office;

(c) Be immune from national service obligations;

(d) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

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

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

(g) Have the right to import free of duty their furniture, personal effects and all household appliances, at the time of first taking up their post in the host country;

2. The Head of the Office and other senior officials, as may be agreed between the United Nations and the Government, shall enjoy the same privileges and immunities accorded by the Government to members of diplomatic missions of comparable rank. For this purpose, the name of the Head of the Office may be incorporated in the diplomatic list.

3. Internationally recruited officials of the Office shall also be entitled to the following facilities:

(a) To import free of customs and excise duties limited quantities of certain articles intended for personal consumption in accordance with existing government regulation;

(b) To import a motor vehicle free of customs and excise duties, including value-added tax, in accordance with existing government regulation applicable to members of diplomatic missions of comparable rank.

#### *Article 8*

##### EXPERTS ON MISSION

1. Experts on mission shall be granted the privileges, immunities and facilities as specified in article VI, sections 22 and 23, and article VII, section 26, of the Convention.

2. Experts on mission may be accorded such additional privileges, immunities and facilities as may be agreed upon between the Parties.

#### *Article 9*

##### PERSONS PERFORMING SERVICES FOR THE OFFICE

1. Persons performing services for the Office shall:

(a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue to be accorded after termination of employment with the Office.

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

2. For the purpose of enabling them to discharge their functions independently and efficiently, persons performing services for the Office may be accorded such other privileges, immunities and facilities as specified in articles 7 and 8 above, as may be agreed upon between the Parties.

#### *Article 10*

##### LOCALLY RECRUITED PERSONNEL ASSIGNED TO HOURLY RATES

Locally recruited personnel shall be accorded all facilities necessary for the independent exercise of their functions for the United Nations. The terms and conditions of employment for persons recruited locally and assigned to hourly rates shall be in accordance with the relevant United Nations resolutions, decisions, regulations and rules and policies of the competent organs of the United Nations.

#### *Article 11*

##### WAIVER OF PRIVILEGES AND IMMUNITIES

The privileges and immunities accorded under the present Agreement are granted in the interests of the United Nations, and not for the personal benefit of the persons concerned. The Secretary-General of the United Nations has the right and the duty to waive the immunity of any individual referred to in articles 7, 8 and 9 in any case where, in his opinion, such immunity impedes the course of justice and can be waived without prejudice to the interests of the United Nations.

## *Article 12*

### ACCESS FACILITIES

Officials of the Office, experts on mission and persons performing services shall be entitled to:

- (a) Prompt clearance and issuance, free of charge, of visas, licences or permits, where required;
- (b) Unimpeded access to or from the country, and within the country, to all sites of cooperation activities, to the extent necessary for the implementation of programmes of cooperation.

## *Article 13*

### GOVERNMENT CONTRIBUTION

1. The Government shall provide the United Nations, as mutually agreed upon and to the extent possible:

- (a) Appropriate office premises for the Office, alone or in conjunction with the United Nations system organizations;
- (b) Costs of postage and telecommunications for official purposes;
- (c) Costs of local services such as equipment, fixtures and maintenance of office premises;
- (d) Transportation for Office officials, experts on mission and persons performing services on behalf of the United Nations in the discharge of their official functions in the country.

2. The Government shall also assist the United Nations:

- (a) In the location and/or in the provision of suitable housing accommodation for internationally recruited officials, experts on mission and persons performing services on behalf of the United Nations;
- (b) In the installation and supply of utility services, such as water, electricity, sewerage, fire protection services and other services, for the Office premises.

## *Article 14*

### FACILITIES IN RESPECT OF COMMUNICATIONS

1. The United Nations shall enjoy, in respect of its official communications, treatment not less favourable than that accorded by the Government to any diplomatic mission in matters of establishment and operation, priorities, tariffs, charges on mail and cablegrams and on teleprinter, facsimile, telephone and other communications, as well as rates for information to the press and radio.

2. No official correspondence or other communication of the United Nations shall be subject to censorship. Such immunity shall extend to printed matter, photographic and electronic data communications and other forms of communications as may be agreed upon between the Parties. The United Nations shall be entitled to use codes and to dispatch and receive correspondence either by courier or in sealed pouches, all of which shall be inviolable and not subject to censorship.

3. The United Nations shall have the right to operate radio and other telecommunication equipment on the United Nations registered frequencies and those allocated by the Government between its offices, within and outside the country, and in particular with United Nations Headquarters in New York.

### *Article 15*

#### UNITED NATIONS FLAG, EMBLEM AND MARKINGS

The United Nations may display its flag and/or emblem on its Office premises, official vehicles and otherwise as agreed to between the Parties. Vehicles, vessels and aircraft of the United Nations shall carry a distinctive United Nations emblem or markings, which shall be notified to the Government.

### *Article 16*

#### NOTIFICATION

The Office shall notify the Government of the names and categories of its officials, experts on mission and persons performing services and locally recruited personnel, and of any change in their status.

### *Article 17*

#### IDENTIFICATION

1. The Government shall, at the request of the head of the Office, issue to each official, expert on mission, person performing services and locally recruited personnel (other than those who are assigned to hourly rates) the appropriate certificates of identity.

2. Upon demand of an authorized official of the Government, persons referred to in paragraph 1 above shall be required to present, but not to surrender, their certificates of identity.

3. The Office shall, upon termination of employment or reassignment of its personnel, ensure that all certificates of identity are returned promptly to the Government.

### *Article 18*

#### SUPPLEMENTAL AGREEMENTS

1. The United Nations and any of its organs and programmes may conclude with the Government supplemental agreements, which shall constitute an integral part of this Agreement, concerning conditions under which they shall assist the Government in carrying out their respective projects.

2. The United Nations and the Government may enter into any other supplemental Agreement as both Parties may deem appropriate.

### *Article 19*

#### CLAIMS AGAINST THE UNITED NATIONS

1. The United Nations cooperation in programmes under the present Agreement, or any other supplemental Agreement, is provided for the benefit of the Government and people of the country and, therefore, the Government shall bear all risks of the operations under the present Agreement.

2. The Government shall, in particular, be responsible for dealing with all claims arising from or directly attributable to the operations under the present Agreement, or any other supplemental Agreement, that may be brought by third parties against the United Nations, its officials, experts on mission and persons performing services on behalf of the United Nations and shall, in respect of such claims, indemnify and hold them harmless, except where the Government and the United Nations agree that the particular claim or liability was caused by gross negligence or wilful misconduct.

## *Article 20*

### SETTLEMENT OF DISPUTES

Any dispute between the United Nations and the Government relating to the interpretation and application of the present Agreement, or any other supplemental Agreement, which is not settled by negotiation or other agreed mode of settlement shall be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the chairman. If within thirty (30) days of the request for arbitration either Party has not appointed an arbitrator, or if within fifteen (15) days of the appointment of two arbitrators the third arbitrator has not been appointed, either Party may request the President of the International Court of Justice to appoint an arbitrator. The procedure for the arbitration shall be fixed by the arbitrators, and the expenses of the arbitration shall be borne by the Parties as assessed by the arbitrators. The arbitral award shall contain statement of the reasons on which it is based and shall be accepted by the Parties as the final adjudication of the dispute.

## *Article 21*

### ENTRY INTO FORCE

This Agreement shall enter into force upon signature by the duly authorized representatives of the United Nations and the Government.

## *Article 22*

### TERMINATION

The present Agreement shall cease to be in force six months after either of the Parties gives notice in writing to the other of its decision to terminate the Agreement. The Agreement shall, however, remain in force for such an additional period as might be necessary for the orderly cessation of United Nations activities, and the resolution of any dispute between the Parties.

- (17) Exchange of letters constituting an agreement between the United Nations and the Government of Germany on arrangements regarding the Meeting of Experts on Lighting and Light-signalling, of the Economic Commission for Europe,<sup>25</sup> to be held at Darmstadt from 9 to 12 November 1992. Geneva, 25 March and 19 May 1992

## I

### LETTER FROM THE UNITED NATIONS

25 March 1992

I have the honour to give you below the text of arrangements between the United Nations and the Government of the Federal Republic of Germany (hereinafter referred to as "the Government") in connection with the Meeting of Experts on Lighting and Light-signalling, of the Economic Commission for Europe, to be held, at the invitation of the Government, at Darmstadt from 9 to 12 November 1992.

...

4. The Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of: (i) injury to person



or damage to 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, except in cases of gross negligence or wilful misconduct of these officials and persons.

5. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which the Federal Republic of Germany is a party, shall be applicable to the Meeting.

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

(b) Participants attending this Meeting in pursuance of paragraph 1 of this Agreement shall enjoy the privilege and immunities of experts on mission under article VI of the Convention on the Privileges and Immunities of the United Nations;

(c) 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;

(d) All participants and all persons performing functions in connection with the Meeting shall have the right of unimpeded entry into and exit from Germany. Visas and entry permits, where required, shall be granted as soon as possible and free of charge;

(e) A list with the names and professional functions of all participants in this Meeting indicating their status will be communicated to the host authorities by the secretariat at the earliest possible opportunity.

6. The rooms, offices and related localities and facilities put at the disposal of the Meeting by the Government shall be the Meeting Area, which will constitute United Nations premises within the meaning of article II, section 3, of the Convention of 13 February 1946.

7. The Government shall notify the local authorities of the convening of the Meeting and request appropriate protection.

8. Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provision of the Convention on the Privileges and Immunities of the United Nations or of any other agreement applicable to both parties, shall be settled by negotiation or in accordance with any other procedure agreed upon by the parties.

I have the honour to propose that this letter and your affirmative answer shall constitute an agreement between the United Nations and the Government of the Federal Republic of Germany 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 additional period as is necessary for its preparation and winding-up.

(Signed) Antoine BLANCA  
Director-General of the United  
Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT REPRESENTATIVE OF GERMANY TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS AT GENEVA

19 May 1992

I have the honour to acknowledge receipt of your letter of 25 March 1992, regarding the Meeting of Experts on Lighting and Light-signalling of the Economic Commission for Europe, to be held at Darmstadt from 9 to 12 November 1992 at the invitation of the Government of the Federal Republic of Germany.

I am pleased to confirm that the conditions listed in your letter are acceptable to the Government of the Federal Republic of Germany.

(Signed) Alois JELONEK  
Ambassador

## III

### LETTER FROM THE PERMANENT REPRESENTATIVE OF GERMANY TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS AT GENEVA

19 May 1992

With reference to my letter of 19 May 1992, concerning the arrangements between the United Nations and the Government of the Federal Republic of Germany in connection with the Meeting of Experts on Lighting and Light-signalling of the Economic Commission for Europe to be held at the invitation of the Government at Darmstadt from 9 to 12 November 1992, I have been instructed to communicate the following: It is the understanding of the Government of the Federal Republic of Germany that the term "participants" within the meaning of paragraph 5(b) of the agreement designates persons who are experts on mission under article VI of the Convention and who are formally notified as such.

As regards the term "privileges and immunities" in paragraph 5 (c) of the agreement, the Government of the Federal Republic of Germany understands that all privileges and immunities with respect to the meeting have been dealt with exclusively under paragraph 5 (a) and (b).

(Signed) Alois JELONEK  
Ambassador

- (18) Exchange of letters constituting an agreement between the United Nations and Kuwait concerning the legal status, privileges and immunities of the United Nations Iraq-Kuwait Observation Mission.<sup>26</sup> New York, 15 April 1992, and Kuwait, 20 May 1992

## I

### LETTER FROM THE UNITED NATIONS

15 April 1992

I have the honour to refer to paragraph 5 of resolution 687 (1991) of 3 April 1991 by which the United Nations Security Council established a demilitarized

zone along the boundary between Iraq and Kuwait and decided to set up, under its authority, a United Nations observer unit called the United Nations Iraq-Kuwait Observation Mission (hereinafter referred to as UNIKOM) with the terms of reference as described in the report of the Secretary-General to the Security Council contained in document S/22454 and Add. 1-3, which was approved by the Security Council in its resolution 689 (1991) of 9 April 1991 and accepted by your Government.

*In order to facilitate the fulfilment of UNIKOM's purposes without delay, I propose that your Government, in implementation of its obligations under Article 105 of the Charter of the United Nations, extend to UNIKOM, as an organ of the United Nations, its property, funds and assets and to its personnel the provisions of the Convention on the Privileges and Immunities of the United Nations (the Convention), to which Kuwait acceded on 13 December 1963.*

*In view of the importance of the functions which UNIKOM will perform, I propose that:*

*The Chief Military Observer and high-ranking members of UNIKOM whose names shall be communicated to the Government of Kuwait shall enjoy the privileges and immunities, exemptions and facilities which are granted to diplomatic envoys in accordance with international law;*

*Other officials of the United Nations Secretariat assigned to serve with UNIKOM shall enjoy the privileges and immunities to which they are entitled under articles V and VII of the Convention;*

*Military observers and administrative and logistic support personnel shall enjoy the privileges and immunities accorded to experts performing missions for the United Nations under article VI of the Convention;*

*UNIKOM and its members shall refrain from any action or activity incompatible with the impartial and international nature of their duties or inconsistent with the spirit of the present arrangement. The Government of Kuwait undertakes to respect the exclusively international nature of UNIKOM.*

*The privileges and immunities necessary for the fulfilment of the functions of UNIKOM also include:*

*(a) Unrestricted freedom of entry and exit without delay or hindrance of its personnel, property, supplies, equipment, spare parts and means of transport, including exemption from passport and visa regulations; in the case of large movements UNIKOM shall give advance notice to the Government of Kuwait for the purpose of coordination;*

*(b) Unrestricted freedom of movement on land, sea and air, across the Iraq-Kuwait border and throughout the demilitarized zone, of UNIKOM personnel, property, supplies, equipment, spare parts and means of transport;*

*(c) The right to fly the United Nations flag on premises, observation posts, vehicles and aircraft;*

*(d) Acceptance of United Nations registration of means of transport on land, sea and in the air and United Nations licensing of the operators thereof;*

*(e) The right to unrestricted communication by radio, satellite or any other forms of communication including coded messages within the area of operations and to connect with the United Nations radio and satellite network, as well as by telephone, telegraph or any other means;*

(f) The right to make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of UNIKOM. The Government of Kuwait shall be informed of the nature of such arrangements and shall not interfere with or apply censorship to the mail of UNIKOM or its members.

It is understood that the Government of Kuwait shall provide at no cost to the United Nations by mutual agreement all such land and premises as may be necessary for the fulfilment of the functions of UNIKOM. UNIKOM land and premises shall be inviolable and subject to the exclusive control and authority of the United Nations.

It is also expected that the Government of Kuwait shall provide UNIKOM, where necessary and upon request of the Chief Military Observer, with maps and other information including locations of minefields and other dangers and impediments, which might be useful in facilitating its tasks and movements; it is understood that such maps and information shall be provided subject to their availability to the Government. Upon the request of the Chief Military Observer, armed escorts shall be provided to protect UNIKOM personnel during the exercise of their functions when in the opinion of the Chief Military Observer such escorts are necessary.

I propose that this letter and the written confirmation of your acceptance of its provisions constitute an agreement between the United Nations and Kuwait to take effect from the date of your reply.

(Signed) Boutros BOUTROS-GHALI  
Secretary-General

## II

### LETTER FROM THE DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF THE STATE OF KUWAIT

20 May 1992

I have the honour to refer to your letter of 15 April 1992 concerning the status of the United Nations Iraq-Kuwait Observation Mission (UNIKOM). You present in your letter provisions relating to the legal status of UNIKOM with regard to privileges and immunities. It is our understanding that UNIKOM and its members are to respect all the local laws and regulations of the State of Kuwait and that the Chief Military Observer is to take all necessary steps to ensure compliance with these obligations.

The Government of Kuwait approves all the provisions contained in your letter and agrees that your letter and this reply shall constitute an agreement between Kuwait and the United Nations.

(Signed) Salem AL-SABAH

- (19) Exchange of letters constituting an agreement between the United Nations and the Government of Ukraine on arrangements regarding the Seminar on New Materials and their Application in Engineering Industries, of the Economic Commission for Europe,<sup>27</sup> to be held at Kiev from 13 to 16 October 1992. Geneva, 8 May and 2 June 1992

I  
LETTER FROM THE UNITED NATIONS

8 May 1992

I have the honour to give you below the text of arrangements between the United Nations and the Government of Ukraine (hereinafter referred to as "the Government") in connection with the Seminar on New Materials and their Application in Engineering Industries, of the Economic Commission for Europe, to be held, at the invitation of the Government, in Kiev, from 13 to 16 October 1992.

...

4. The Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of: (i) injury to person or damage to property in conference or office premises provided for the Seminar; (ii) the transportation provided by the Government; and (iii) the employment for the Seminar 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.

5. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which Ukraine is a party, shall be applicable to the Seminar, in particular:

(a) The participants 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 Seminar shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

(b) 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 Seminar shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Seminar;

(c) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Seminar;

(d) All participants and all other persons performing functions in connection with the Seminar shall have the right of entry into and exit from Ukraine. Visas and entry and exit permits, where required, shall be granted free of charge and as speedily as possible. (These provisions do not exclude the presentation by the host country of well-founded objections concerning a particular individual. Such objections, however, must relate to specific criminal or security-related matters and not to nationality, religion, professional or political affiliation.)

6. The rooms, offices and related localities and facilities put at the disposal of the Seminar by the Government shall be the Seminar Area, which will constitute United Nations Premises within the meaning of article II, section 3, of the Convention of 13 February 1946.

7. The Government shall notify the local authorities of the convening of the Seminar and request appropriate protection.

8. Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provision of the Convention on the Privileges and Immunities of the United Nations or of any other agreement applicable to both parties, shall be settled by negotiation or in accordance with any other procedure agreed upon by the parties.

9. These arrangements will also apply to the technical visits which are being organized in conjunction with the Seminar.

I have the honour to propose that this letter and your affirmative answer shall constitute an agreement between the United Nations and the Government of Ukraine which shall enter into force on the date of your reply and shall remain in force for the duration of the Seminar and for such additional period as is necessary for its preparation and winding-up.

(Signed) Antoine BLANCA  
Director-General of the  
United Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT MISSION OF UKRAINE TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS AT GENEVA<sup>28</sup>

2 June 1992

With reference to your letter dated 8 May 1992 concerning arrangements made between the United Nations and the Government of Ukraine with regard to the Seminar co-sponsored by the Economic Commission for Europe on New Materials and their Application in Engineering Industries (Kiev, 13-16 October 1992), I have the honour to inform you that the Government of Ukraine has given a positive response to your letter concerning these arrangements.

(Signed) Andrei OZADOVSKI  
Ambassador, Permanent Representative

- (20) Agreement between the United Nations and the Government of Kenya regarding arrangements for the eighteenth session of the World Food Council of the United Nations,<sup>29</sup> to be held at Nairobi from 23 to 26 June 1992. Signed at Nairobi on 22 June 1992

#### 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 referred to in article II (a) 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 (b), (d) and (f) 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 (c), 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 Kenya, 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 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 Kenya at the time of their departure, without any restrictions, any unexpended portions of the funds they brought into Kenya in connection with the session 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.

(21) Exchange of letters constituting an agreement between the United Nations and the Government of Portugal in connection with the Working Meeting on Environmental Statistics of the Economic Commission for Europe,<sup>30</sup> to be held at Lisbon from 14 to 17 September 1992. Geneva, 25 March and 1 July 1992<sup>31</sup>

## I

### LETTER FROM THE UNITED NATIONS

25 March 1992

I have the honour to transmit to you herewith the text of the agreement drawn up between the United Nations and the Government of Portugal (hereinafter referred to as "the Government") in connection with the Working Meeting on Environmental Statistics of the Economic Commission for Europe, to be held at Lisbon, at the Government's invitation, from 14 to 17 September 1992.

*Agreement between the United Nations and the Government of Portugal in connection with the Working Meeting on Environmental Statistics of the Economic Commission for Europe, to be held at Lisbon, at the Government's invitation, from 14 to 17 September 1992*

...

4. The Government shall be responsible for dealing with any actions, claims or other demands against the United Nations arising out of: (a) injury or damage to persons or property in the premises provided for the Meeting; (b) means of transport provided by the Government; and (c) the employment for the Meeting of personnel provided by the Government or recruited through it; and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands.

5. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which Portugal is a party, shall be applicable to the Meeting. In particular:

(a) Participants shall enjoy the privileges and immunities accorded to experts on mission for the United Nations under article VI of the Convention. The official of the United Nations participating in the Meeting or performing functions in connection with it shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

(b) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and anyone per-



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

(c) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Meeting;

(d) All participants and all persons performing functions in connection with the Meeting shall have the right of unimpeded entry into and exit from Portugal. Visas and entry permits, where required, shall be granted promptly and free of charge.

6. The conference room, office and other premises and installations made available for the Meeting by the Government shall constitute the conference area and shall be deemed to be United Nations premises within the meaning of article II, section 3, of the Convention of 13 February 1946.

7. The Government shall inform the competent local authorities of the holding of the Meeting and ensure the security and tranquillity of meetings.

8. Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provisions of the Convention on the Privileges and Immunities of the United Nations or of any other applicable agreement, shall be settled by negotiation or in accordance with any other procedure agreed by the parties.

I have the honour to propose that this letter and your affirmative reply thereto shall constitute an agreement between the United Nations and the Government of Portugal. Such agreement shall enter into force on the date of your reply and shall remain in force for the duration of the Meeting and for any additional period that may be necessary for its preparation and winding-up.

(Signed) Antoine BLANCA  
Director-General of the  
United Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT MISSION OF PORTUGAL TO THE OFFICE OF THE UNITED NATIONS AT GENEVA

19 May 1992

With reference to your letter dated 25 March 1992 and to its annex concerning the "Agreement between the United Nations and the Government of Portugal in connection with the Working Meeting on Environmental Statistics of the Economic Commission for Europe, to be held at Lisbon, at the Government's invitation, from 14 to 17 September 1992", I have the honour to inform you of the affirmative reply of the Portuguese authorities.

(Signed) Zózimo DA SILVA  
Ambassador, Permanent Representative

- (22) Exchange of letters constituting an agreement between the United Nations and the Government of Portugal in connection with the fifty-third session of the Committee on Human Settlements, of the Economic Commission for Europe,<sup>32</sup> to be held at Lisbon from 14 to 17 September 1992. Geneva, 12 February and 1 July 1992<sup>33</sup>

## LETTER FROM THE UNITED NATIONS

12 February 1992

I have the honour to transmit to you herewith the text of the agreement drawn up between the United Nations and the Government of Portugal (hereinafter referred to as "the Government") in connection with the fifty-third session of the Committee on Human Settlements of the Economic Commission for Europe, to be held in Lisbon, at the Government's invitation, from 14 to 17 September 1992.

*Agreement between the United Nations and the Government of Portugal in connection with the fifty-third session of the Committee on Human Settlements of the Economic Commission for Europe, to be held at Lisbon, at the Government's invitation, from 14 to 17 September 1992*

1. Participants in the session shall be invited by the Executive Secretary of the Economic Commission for Europe, in accordance with the rules of procedure of the Commission and its subsidiary organs.

2. In accordance with paragraph 5 of resolution 40/243, adopted by the General Assembly of the United Nations on 18 December 1985, the Government shall defray any additional costs arising directly or indirectly from the session, namely:

(a) Provide economy class airline tickets, Geneva-Lisbon-Geneva, to the United Nations staff members who are to travel to Lisbon, to be used on the airlines serving that route;

(b) Provide the appropriate supporting documents for air freight and excess baggage for documents and files;

(c) Pay to the staff members of the Economic Commission for Europe, on their arrival in Portugal, a subsistence allowance in accordance with the rules of the United Nations, calculated at the daily rate established by the Organization and in force at the time of the session, as well as terminal expenses of up to 96 United States dollars per person, payable in convertible currency.

3. The Government shall make available for the session, on the basis of the note annexed hereto, the necessary personnel, premises, installations and supplies . . .

4. The Government shall be responsible for dealing with any actions, claims or other demands against the United Nations arising out of: (a) injury or damage to persons or property in the premises provided for the session; (b) means of transport provided by the Government; and (c) the employment for the session of personnel provided by the Government or recruited through it; and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands.

5. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which Portugal is a party, shall be applicable to the session. In particular:

(a) Participants shall enjoy the privileges and immunities accorded to experts on mission for the United Nations under article VI of the Convention. Officials of the United Nations participating in the session or performing functions in connection with it shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

(b) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and anyone performing functions in connection with the session shall enjoy such privileges and immunities, facilities and advantages as are necessary for the independent exercise of their functions in connection with the session;

(c) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the session;

(d) All participants and all persons performing functions in connection with the session shall have the right of unimpeded entry into and exit from Portugal. Visas and entry permits, where required, shall be granted promptly and free of charge.

6. The conference room, office and other premises and installations made available for the session by the Government shall constitute the conference area and shall be deemed to be United Nations premises within the meaning of article II, section 3, of the Convention of 13 February 1946.

7. The Government shall inform the competent local authorities of the holding of the session and ensure the security and tranquillity of meetings.

8. Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provisions of the Convention on the Privileges and Immunities of the United Nations or of any other applicable agreement, shall be settled by negotiation or in accordance with any other procedure agreed by the parties.

9. This Agreement shall also apply to the study tour to take place from 18 to 25 September 1992.

I have the honour to propose that this letter and your affirmative reply thereto shall constitute an agreement between the United Nations and the Government of Portugal. Such agreement shall enter into force on the date of your reply and shall remain in force for the duration of the session and for any additional period that may be necessary for its preparation and winding-up.

(Signed) Jan MARTENSON  
Director-General of the  
United Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT MISSION OF PORTUGAL TO THE UNITED NATIONS OFFICE AT GENEVA

1 July 1992

With reference to your letter dated 12 February 1992 and to its annex concerning the "Agreement between the United Nations and the Government of Portugal in connection with the fifty-third session of the Committee on Human Settlements of the Economic Commission for Europe, to be held at Lisbon, at the Government's invitation, from 14 to 17 September 1992", I have the honour to inform you of the affirmative reply of the Portuguese authorities.

(Signed) Zózimo DA SILVA  
Ambassador, Permanent Representative

- (23) Exchange of letters constituting an agreement between the United Nations and the Government of the Islamic Republic of Iran regarding the Training Course on the Preparation of Periodic Reports under International Instruments on Human Rights,<sup>34</sup> to be held at Tehran from 2 to 5 August 1992. Geneva, 24 June and 27 July 1992

I

LETTER FROM THE UNITED NATIONS

24 June 1992

I have the honour to refer to the offer by your Government to organize, in cooperation with the United Nations Centre for Human Rights, a Training Course on the Preparation of Periodic Reports under the International Instruments on Human Rights, to be held at Tehran from 2 to 5 August 1992.

With respect to the above-mentioned training course, please find set out below the text of arrangements between the United Nations and the Government of the Islamic Republic of Iran, hereinafter referred to as "the Government":

4. The Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of (i) injury to person or damage to property in conference or office premises provided for the training course; (ii) the transportation provided by the Government; and (iii) the employment for the training course of personnel provided or arranged by one Government; and the Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand.

5. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which the Islamic Republic of Iran is a party, shall be applicable to the training course, in particular:

(a) Officials of the United Nations participating in or performing functions in connection with the training course shall enjoy the privileges and immunities provided under article V and VII of the Convention;

(b) The experts invited in accordance with paragraph 2 above shall enjoy the privileges and immunities accorded to experts on mission for the United Nations by article VI of the Convention;

(c) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all experts and persons performing functions in connection with the training course shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the training course;

(d) Participants and personnel, invited and provided by the Government pursuant to this Agreement, shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the training course;

(e) All experts and all persons performing functions in connection with the training course shall have the right of unimpeded entry into and exit from the Islamic Republic of Iran. Visas and entry permits, where required, shall be granted promptly and free of charge.

6. The rooms, offices and related localities and facilities put at the disposal of the training course by the Government shall be the Conference Area,

which will constitute United Nations premises within the meaning of article II, section 3, of the Convention of 13 February 1946.

7. The Government shall notify the local authorities of the convening of the training course and request appropriate protection.

8. Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provision of the Convention on the Privileges and Immunities of the United Nations or of any other agreement applicable to both parties, shall be settled by negotiation or in accordance with any other procedure agreed upon by the parties.

I have the honour to propose that this letter and your affirmative answer shall constitute an agreement between the United Nations and the Government of the Islamic Republic of Iran which shall enter into force on the date of your reply and shall remain in force for the duration of the training course and for such additional period as is necessary for its preparation and winding-up.

(Signed) Antoine BLANCA  
Director-General of the  
United Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS OFFICE AT GENEVA

27 July 1992

I have the honour to acknowledge receipt of your letter dated 24 June 1992 with sincere thankfulness and have the pleasure to inform you that, the contents of your letter having been carefully studied, the Government of the Islamic Republic of Iran agrees on and accepts the conditions and the date proposed for the convening of Training Course on the Preparation of Periodic Reports under the International Instruments on Human Rights, scheduled to be held at Tehran from 2 to 5 August 1992.

The Government of the Islamic Republic of Iran welcomes the staff of the United Nations in Tehran, in anticipation, and will deploy every possible effort to cooperate to make the above-named training course a successful one.

(Signed) Sirous NASSERI  
Ambassador, Permanent Representative

- (24) Exchange of letters constituting an agreement between the United Nations and the Government of Sweden regarding the Work Session on Survey Processing on Microcomputers, of the Economic Commission for Europe,<sup>35</sup> to be held at Stockholm from 19 to 21 October 1992. Geneva, 12 and 18 August 1992

## I

### LETTER FROM THE UNITED NATIONS

12 August 1992

I have the honour to give you below the text of arrangements between the United Nations and the Government of Sweden (hereinafter referred to as "the Government") in connection with the Work Session on Survey Pro-

cessing on Microcomputers, of the Economic Commission for Europe, to be held, at the invitation of the Government, at Stockholm from 19 to 21 October 1992.

*Arrangements between the United Nations and the Government of Sweden regarding the Work Session on Survey Processing on Microcomputers, of the Economic Commission for Europe, to be held at Stockholm from 19 to 21 October 1992*

...

4. The Government will be responsible for dealing with any claim against the United Nations arising out of: (i) injury to person or damage to property in conference or office premises provided for the Work Session; (ii) the transportation provided by the Government; and (iii) the employment for the Work Session 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 claim resulting from the performance of the services under this Agreement, except when it is agreed by the parties hereto that the claim results from gross negligence or wilful misconduct of the United Nations personnel.

5. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which Sweden is a party, shall be applicable to the Work Session, in particular:

(a) 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 Work Session shall enjoy such facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Work Session;

(b) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Work Session;

(c) All participants and all persons performing functions in connection with the Work Session shall have the right of unimpeded entry into and exit from Sweden. Visas and entry permits, where required, shall be granted promptly and free of charge.

6. The Government shall notify the local authorities of the convening of the Work Session and request appropriate protection.

...

I have the honour to propose that this letter and your affirmative answer shall constitute an agreement between the United Nations and the Government of Sweden which shall enter into force on the date of your reply and shall remain in force for the duration of the Work Session and for such additional period as is necessary for its preparation and winding-up.

(Signed) Antoine BLANCA  
Director-General of the  
United Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT REPRESENTATIVE OF SWEDEN TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS AT GENEVA

18 August 1992

I refer to your letter of 12 August 1992 regarding "Arrangements between the United Nations and the Government of Sweden" in connection with the Work Session on Survey Processing on Microcomputers, to be held at Stockholm from 19 to 21 October 1992.

I have the honour to confirm to you that my Government is in agreement with your proposed text, which consequently hereby constitutes an agreement between the United Nations and the Government of Sweden.

(Signed) Arnold WILLÉN  
Ambassador

- (25) Exchange of letters constituting an agreement between the United Nations and the Government of the Czech and Slovak Federal Republic regarding the Meeting of Coordinators and Rapporteurs on Standardization Policies, of the Economic Commission for Europe,<sup>36</sup> to be held at Prague on 14 and 15 September 1992. Geneva, 20 July and 26 August 1992

## I

### LETTER FROM THE UNITED NATIONS

20 July 1992

I have the honour to give you below the text of arrangements between the United Nations and the Government of the Czech and Slovak Federal Republic (hereinafter referred to as "the Government") in connection with the Meeting of Coordinators and Rapporteurs on Standardization Policies, of the Economic Commission for Europe, to be held, at the invitation of the Government, at Prague on 14 and 15 September 1992.

*Arrangements between the United Nations and the Government of the Czech and Slovak Federal Republic regarding the Meeting of Coordinators and Rapporteurs on Standardization Policies, of the Economic Commission for Europe, to be held at Prague on 14 and 15 September 1992*

...

4. The Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of: (i) injury to person or damage to 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.

5. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which the Czech and Slovak Federal Republic is a party, shall be applicable to the Meeting, in particular:

(a) The participants 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;

(b) 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;

(c) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Meeting;

(d) All participants and all persons performing functions in connection with the Meeting shall have the right of unimpeded entry into and exit from the Czech and Slovak Federal Republic. Visas and entry permits, where required, shall be granted promptly and free of charge.

6. The rooms, offices and related localities and facilities put at the disposal of the Meeting by the Government shall be the Meeting Area, which will constitute United Nations premises within the meaning of article II, section 3, of the Convention of 13 February 1946.

7. The Government shall notify the local authorities of the convening of the Meeting and request appropriate protection.

8. Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provision of the Convention on the Privileges and Immunities of the United Nations or of any other agreement applicable to both parties, shall be settled by negotiation or in accordance with any other procedure agreed upon by the parties.

I have the honour to propose that this letter and your affirmative answer shall constitute an agreement between the United Nations and the Government of the Czech and Slovak Federal Republic 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 additional period as is necessary for its preparation and winding-up.

(Signed) Antoine BLANCA  
Director-General of the  
United Nations Office at Geneva

## II

LETTER FROM THE PERMANENT MISSION OF THE CZECH AND SLOVAK FEDERAL  
REPUBLIC TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNA-  
TIONAL ORGANIZATIONS AT GENEVA

26 August 1992

I have the honour to reply to your letter No. G/LE-311/21 (CZECH) of 20 July 1992 concerning "Arrangements between the United Nations and the Government of the Czech and Slovak Federal Republic regarding the meeting of Coordinators and Rapporteurs on Standardization Policies, of the Economic Commission for Europe, to be held at Prague on 14 and 15 September 1992".



I would like to convey that the competent Czechoslovak authorities agree to the text of arrangements between the United Nations and the Government of the Czech and Slovak Federal Republic as contained in the above-mentioned letter.

(Signed) Zdenek VENERA  
Chargé d'affaires a.i.

(26) Agreement between the United Nations and the Government of Armenia relating to the establishment of a United Nations Interim Office in Armenia.<sup>37</sup> Signed at Geneva on 17 September 1992

This Agreement contains provisions similar to the Agreement reproduced under subparagraph 16 above, except that the first paragraph of the preamble, subparagraph (a) of article I, article VII, the first sentence of article XII and paragraph 1 of article XIII read as follows:

*Preamble*

Whereas the Government of the Republic of Armenia and the United Nations have expressed their mutual interest that the United Nations establish an Interim Office in Yerevan with a view to supporting and supplementing the national efforts in solving the most important problems of economic development and promoting social progress and a better standard of life;

*Article I*

(a) "Office" means the United Nations Interim Office, an organizational unit through which the United Nations provides assistance and cooperation in programmes; it may include field sub-offices established in the country by mutual agreement;

*Article VII*

OFFICIALS OF THE OFFICE

1. Officials of the Office shall:

(a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue to be accorded after termination of employment with the Office;

(b) Be exempt from taxation on the salaries and emoluments paid to them by the Office;

(c) Be immune from national service obligations.

2. In addition, internationally recruited officials of the Office shall:

(a) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

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

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

(d) Have the right to import free of duty their furniture, personal effects and all household appliances, at the time of first taking up their post in the host country.

3. The head of the Office and other senior officials, as may be agreed between the United Nations and the Government, shall enjoy the same privileges and immunities accorded by the Government to members of diplomatic missions of comparable rank. For this purpose, the name of the head of the Office may be incorporated in the diplomatic list.

4. Internationally recruited officials of the Office shall also be entitled to the following facilities:

(a) To import free of custom and excise duties limited quantities of certain articles intended for personal consumption in accordance with existing government regulation;

(b) To import a motor vehicle free of customs and excise duties, including value-added tax, in accordance with existing government regulation applicable to members of diplomatic missions of comparable rank.

#### *Article XII*

##### ACCESS FACILITIES

Internationally recruited officials of the Office, experts on mission and persons performing services shall be entitled to:

#### *Article XIII*

##### GOVERNMENT CONTRIBUTION

1. The Government shall provide the United Nations, as mutually agreed upon and to the extent possible:

(a) Appropriate office premises for the Office;

(b) Costs of local telecommunications for official purposes;

(c) Costs of utilities and local services such as equipment, fixtures and maintenance of office premises;

(d) Transportation for experts on mission in the discharge of their official functions in the country.

(27) Agreement between the United Nations and the Government of Spain regarding arrangements for the Symposium on Product Quality in the Agri-Food Sector,<sup>38</sup> [to be held at Murcia from 5 to 9 October 1992]. Signed at Geneva on 23 September 1992<sup>39</sup>

#### *Article 5*

##### LIABILITY

The Government shall be responsible for dealing with any legal action, complaint or other claim against the United Nations or its officials arising out of: (a) injury to persons or damage to or loss of property in the premises provided for the meeting; (b) the transportation services provided by the Government; (c) the employment for the Symposium of the personnel provided or whose recruitment was arranged by the Government. The Government shall hold harmless the United Nations and its officials in respect of any such action, complaint or other claim, provided that the damage does not result from a clearly

deliberate or criminal act or from extreme negligence on the part of officials or employees of the United Nations.

CHAPTER III  
PRIVILEGES AND IMMUNITIES

Article 6  
INDIVIDUALS

The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, to which Spain is a party, shall be applicable in respect of the Symposium. In particular:

(a) The participants 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;

(b) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and persons performing functions connected with the meeting shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the unimpeded exercise of their functions relating to the meeting;

(c) The personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the meeting.

Article 7  
PREMISES

The conference room, office and other premises and installations provided by the Government for the meeting shall constitute the Conference Area and shall be deemed to constitute premises of the United Nations in the sense of article II, section 3, of the Convention of 13 February 1946.

- (28) Exchange of letters constituting an agreement between the United Nations and the Government of Germany regarding the Fourth United Nations International Training Course on Remote Sensing Applications to Geological Sciences,<sup>40</sup> to be held at Potsdam and Berlin from 28 September to 16 October 1992. New York, 4 and 29 September 1992

I

LETTER FROM THE UNITED NATIONS

4 September 1992

*Re: Fourth United Nations International Training Course on Remote Sensing Applications to Geological Sciences to be held at Potsdam and Berlin from 28 September to 16 October 1992*

I wish to take this opportunity to express the gratitude of the United Nations, through you, to your Government for its decision to host the aforementioned training course. The objective of the training course is to provide education and practical training to participants from the developing countries on

the results of recent applications of airborne and satellite remote-sensing techniques to the geological sciences. This course will provide the participants with a knowledge of the fundamentals of remote sensing and with the various considerations involved in using imagery obtained by aircraft and by Earth-observing satellites. The course will also demonstrate to the participants how to develop and apply techniques for extracting information and for merging disparate data sets that can be used for evaluating geological formations and their selected occurrences.

In accordance with established practice, the provision of host facilities by Germany for the above-referenced training course is detailed in section C below, titled "The Government of Germany". On behalf of the United Nations, I should be grateful to receive your Government's acceptance of the following arrangements regarding the services to be provided for the training course.

...  
D. *Convention on the Privileges and Immunities of the United Nations*

I further wish to propose that the following terms shall apply to the training course:

1. (a) The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the training 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 training course shall enjoy the privileges and immunities provided under articles V and VII of the Convention. Officials of the specialized agencies participating in the training 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.

(b) 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 training course shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the training course.

2. Visas and entry permits, where required, shall be granted free of charge and as speedily as possible.

3. It is further understood that your Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of: (a) injury to person or damage to property in conference or office premises provided for the training course; (b) the transportation provided by your Government; and (c) the employment for the training course of personnel provided or arranged by your Government; and your Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand, except where it is agreed by the parties hereto that the injury or damage is attributable to gross negligence or wilful misconduct on the part of the United Nations personnel.

4. Any dispute concerning the interpretation or implementation of these terms, except for a dispute subject to the appropriate provisions of the Convention on the Privileges and Immunities of the United Nations or of any other applicable agreement, shall, unless the parties otherwise agree, be submitted to a tribunal of three arbitrators, one of whom shall be appointed by the Secretary-

General of the United Nations, one by the Government, and the third, who shall be the chairman, by the other two arbitrators. If either party does not appoint an arbitrator within three months of the other party having notified the name of its arbitrator or if the first two arbitrators do not within three months of the appointment or nomination of the second one of them appoint the chairman, then such arbitrator shall be nominated by the President of the International Court of Justice at the request of either party to the dispute. Except as otherwise agreed by the parties, the tribunal shall adopt its own rules of procedure, provide for the reimbursement of its members and the distribution of expenses between the parties, and take all decisions by a two-thirds majority. Its decisions on all questions of procedure and substance shall be final and, even if rendered in default of one of the parties, be binding on both of them.

I further propose that, upon receipt of your confirmation in writing of the above, this exchange of letters shall constitute a Memorandum of Understanding between the United Nations and the Government of Germany in respect of this training course.

(Signed) Vladimir PETROVSKY  
Under-Secretary-General  
for Political Affairs

## II

### LETTER FROM THE PERMANENT REPRESENTATIVE OF GERMANY TO THE UNITED NATIONS

29 September 1992

Upon instructions from my Government, I have the honour to confirm to you the arrangements detailed in your letter of 4 September 1992 regarding the Fourth United Nations International Training Course on Remote Sensing Applications to Geological Sciences, to be held at Potsdam and Berlin from 28 September to 16 October 1992.

(Signed) Detlev Graf ZU RANTZAU  
Ambassador

- (29) Agreement between the United Nations and the Government of Azerbaijan relating to the establishment of a United Nations interim office in Azerbaijan.<sup>41</sup> Signed at New York on 1 October 1992

This Agreement contains provisions similar to the Agreement reproduced under subparagraph 16 above, with changes reproduced under subparagraph 26 above.

- (30) Agreement between the United Nations and the Government of Kazakhstan relating to the establishment of a United Nations interim office in Kazakhstan.<sup>42</sup> Signed at New York on 5 October 1992

This Agreement contains provisions similar to the Agreement reproduced under subparagraph 16 above, with changes reproduced under subparagraph 26 above.

- (31) Agreement between the United Nations and the Government of Ukraine relating to the establishment of a United Nations interim office in Ukraine.<sup>43</sup> Signed at New York on 6 October 1992

This Agreement contains provisions similar to the Agreement reproduced under subparagraph 16 above, with changes reproduced under subparagraph 26 above.

- (32) Agreement between the United Nations (United Nations High Commissioner for Refugees) and the Government of the Russian Federation.<sup>44</sup> Signed at Geneva on 6 October 1992

*Agreement between the Government of the Russian Federation  
and the United Nations High Commissioner for Refugees*

WHEREAS the Office of the United Nations High Commissioner for Refugees was established by the General Assembly of the United Nations by its resolution 319 (IV) of 3 December 1949,

WHEREAS the statute of the Office of the United Nations High Commissioner for Refugees, adopted by the General Assembly of the United Nations in its resolution 428 (V) of 14 December 1950, provides, *inter alia*, that the High Commissioner, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the Statute and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities,

WHEREAS the Office of the United Nations High Commissioner for Refugees, a subsidiary organ established by the General Assembly pursuant to article 22 of the Charter of the United Nations, is an integral part of the United Nations whose status, privileges and immunities are governed by the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946,

WHEREAS the Government of the Russian Federation and the Office of the United Nations High Commissioner for Refugees wish to establish the terms and conditions under which the Office, within its mandate, shall be represented in the country,

NOW THEREFORE, the Government of the Russian Federation and the Office of the United Nations High Commissioner for Refugees, in a spirit of friendly cooperation, have entered into this Agreement and agreed as follows:

*Article 1*

DEFINITIONS

For the purpose of this Agreement the following definitions shall apply:

- (a) "UNHCR" means the Office of the United Nations High Commissioner for Refugees;
- (b) "High Commissioner" means the United Nations High Commissioner for Refugees or the officials to whom the High Commissioner has delegated authority to act on her behalf;

- (c) "Government" means the Government of the Russian Federation;
- (d) "Host country" or "country" means the Russian Federation;
- (e) "Parties" means the Government and UNHCR;
- (f) "Convention" means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946;
- (g) "UNHCR representative" means the UNHCR official in charge of the UNHCR office in the country;
- (h) "UNHCR officials" means all members of the staff of UNHCR employed under the Staff Regulations and Rules of the United Nations, with the exception of persons who are recruited locally;
- (i) "Experts on mission" means individuals, other than UNHCR officials or persons performing services on behalf of UNHCR, undertaking missions for UNHCR;
- (j) "Persons performing services on behalf of UNHCR" means natural and juridical persons and their employees, other than nationals of the host country, retained by UNHCR to execute or assist in the carrying out of its programmes;
- (k) "UNHCR personnel" means UNHCR officials, experts on mission and persons performing services on behalf of UNHCR.

## *Article II*

### PURPOSE OF THIS AGREEMENT

This Agreement embodies the basic conditions under which UNHCR shall, within its mandate, cooperate with the Government, open an office in the country and carry out its international protection and humanitarian assistance functions in favour of refugees and other persons of its concern in the host country.

## *Article III*

### COOPERATION BETWEEN THE GOVERNMENT AND UNHCR

1. Cooperation between the Government and UNHCR in the field of international protection of and humanitarian assistance to refugees and other persons of concern to UNHCR shall be carried out on the basis of the statute of UNHCR, of other relevant decisions and resolutions relating to UNHCR adopted by United Nations organs and of article 35 of the Convention relating to the Status of Refugees of 1951 and article 2 of the Protocol relating to the Status of Refugees of 1967.

2. The UNHCR office shall maintain consultations and cooperation with the Government with respect to the preparation and review of projects for refugees.

3. For any UNHCR-funded projects to be implemented by the Government, the terms and conditions including the commitment of the Government and the High Commissioner with respect to the furnishing of funds, supplies, equipment and services or other assistance for refugees shall be set forth in project agreements to be signed by the Government and UNHCR.

4. The Government shall at all times grant UNHCR personnel unimpeded access to refugees and other persons of concern to UNHCR and to the sites of UNHCR projects in order to monitor all phases of their implementation.

#### *Article IV*

##### UNHCR OFFICE

1. The Government welcomes that UNHCR establish and maintain an office in the country for providing international protection and humanitarian assistance to refugees and other persons of concern to UNHCR.

2. UNHCR may designate, with the consent of the Government, the UNHCR office in the country to serve as a regional/area office and the Government shall be notified in writing of the number and level of the officials assigned to it.

3. The UNHCR office will exercise functions as assigned by the High Commissioner, in relation to her mandate for refugees and other persons of her concern, including the establishment and maintenance of relations between UNHCR and other governmental or non-governmental organizations functioning in the country.

#### *Article V*

##### UNHCR PERSONNEL

1. UNHCR may assign to the office in the country such officials or other personnel as UNHCR deems necessary for carrying out its international protection and humanitarian assistance functions.

2. The Government shall be informed of the category of the officials and other personnel to be assigned to the UNHCR office in the country.

3. UNHCR may designate officials to visit the country for purposes of consulting and cooperating with the corresponding officials of the Government or other parties involved in refugee work in connection with: (a) the review, preparation, monitoring and evaluation of international protection and humanitarian assistance programmes; (b) the shipment, receipt, distribution or use of the supplies, equipment and other materials furnished by UNHCR; (c) seeking permanent solutions for the problem of refugees; and (d) any other matters relating to the application of this Agreement.

#### *Article VI*

##### FACILITIES FOR IMPLEMENTATION OF UNHCR HUMANITARIAN PROGRAMMES

1. The Government, in agreement with UNHCR, shall take any measure which may be necessary to exempt UNHCR officials, experts on mission and persons performing services on behalf of UNHCR from regulations or other legal provisions which may interfere with operations and projects carried out under this Agreement, and shall grant them such other facilities as may be necessary for the speedy and efficient execution of UNHCR humanitarian programmes and tasks under the mandate of UNHCR for refugees in the country. Such measures shall include the authorization to operate, free of licence fees, UNHCR radio and other telecommunications equipment; the granting of air traffic rights and the exemption from aircraft landing fees and royalties for emergency relief cargo flights, transportation of refugees and/or UNHCR personnel.

2. The Government, in agreement with UNHCR, shall assist the UNHCR officials in finding appropriate office premises, and shall put them at the disposal of UNHCR free of charge, or at a nominal rent.

3. The Government, in agreement with UNHCR, shall make arrangements and provide funds up to a mutually agreed amount, to cover the cost of



local services and facilities for the UNHCR office, such as establishment, equipment, maintenance and rent, if any, of the office.

4. The Government shall ensure that the UNHCR office is at all times supplied with the necessary public services, and that such public services are supplied on equitable terms.

5. The Government shall take the necessary measures, when required, to ensure the security and protection of the premises of the UNHCR office and its personnel.

6. The Government shall facilitate the location of suitable housing accommodation for UNHCR personnel recruited internationally.

### *Article VII*

#### PRIVILEGES AND IMMUNITIES

1. The Government shall apply to UNHCR, its property, funds and assets, and to its officials and experts on mission the relevant provisions of the Convention on the Privileges and Immunities of the United Nations. The Government also agrees to grant to UNHCR and its personnel such additional privileges and immunities as may be necessary for the effective exercise of the international protection and humanitarian assistance functions of UNHCR.

2. Without prejudice to paragraph 1 of this article, the Government shall in particular extend to UNHCR the privileges, immunities, rights and facilities provided in articles VIII to XV of this Agreement.

### *Article VIII*

#### UNHCR OFFICE, PROPERTY, FUNDS AND ASSETS

1. UNHCR, its property, funds and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except insofar as in any particular case it has expressly waived its immunity; it being understood that this waiver shall not extend to any measure of execution.

2. The premises of the UNHCR office shall be inviolable. The property, funds and assets of UNHCR, wherever situated and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

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

4. The funds, assets, income and other property of UNHCR shall be exempt from:

(a) Any form of direct taxation, provided that UNHCR will not claim exemption from charges for public utility services;

(b) Customs duties and prohibitions and restrictions on articles imported or exported by UNHCR for its official use, provided that articles imported under such exemption will not be sold in the country except under conditions agreed upon with the Government;

(c) Customs duties and prohibitions and restrictions in respect of the import and export of its publications.

5. Any materials imported or exported by UNHCR, by national or international bodies duly accredited by UNHCR to act on its behalf in connection

with humanitarian assistance for refugees, shall be exempt from all customs duties and prohibitions and restrictions.

6. UNHCR shall not be subject to any financial controls, regulations or moratoria and may freely:

(a) Acquire from authorized commercial agencies, hold and use negotiable currencies, maintain foreign-currency accounts, and acquire through authorized institutions, hold and use funds, securities and gold,

(b) Bring funds, securities, foreign currencies and gold into the host country from any other country, use them within the host country or transfer them to other countries.

7. UNHCR shall enjoy the most favourable legal rate of exchange.

#### *Article IX*

##### COMMUNICATION FACILITIES

1. UNHCR shall enjoy, in respect of its official communications, treatment not less favourable than that accorded by the Government to any other Government including its diplomatic missions or to other intergovernmental international organizations in the matter of priorities, tariffs and charges on mail, cablegrams, telephotos, telephone, telegraph, telex and other communications, as well as rates for information to the press and radio.

2. The Government shall secure the inviolability of the official communications and correspondence of UNHCR and shall not apply any censorship to its communications and correspondence. Such inviolability, without limitation by reason of this enumeration, shall extend to publications, photographs, slides, films and sound recordings.

3. UNHCR shall have the right to use codes and to dispatch and receive correspondence and other materials by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

4. UNHCR shall have the right to operate radio and other telecommunications equipment, on United Nations registered frequencies, and those allocated by the Government, between its offices, within and outside the country, and in particular with UNHCR headquarters in Geneva.

#### *Article X*

##### UNHCR OFFICIALS

1. The UNHCR representative, deputy representative and other officials, as may be agreed between UNHCR and the Government, shall enjoy, while in the country, in respect of themselves, their spouses and dependent relatives the privileges and immunities, exemptions and facilities normally accorded to diplomatic envoys. For this purpose the Ministry of Foreign Affairs shall include their names in the diplomatic list.

2. UNHCR officials, while in the country, shall enjoy the following facilities, privileges and immunities:

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

(b) Immunity from inspection and seizure of their official baggage;

(c) Immunity from any military service obligations or any other obligatory service;

(d) Exemption, with respect to themselves, their spouses, their relatives dependent on them and other members of their households from immigration restriction and alien registration;

(e) Exemption from taxation in respect of the salaries and all other remuneration paid to them by UNHCR;

(f) Exemption from any form of taxation on income derived by them from sources outside the country;

(g) Prompt clearance and issuance, without cost, of visas, licences or permits, if required, and free movement within, to or from the country to the extent necessary for the carrying out of UNHCR international protection and humanitarian assistance programmes;

(h) Freedom to hold or maintain within the country foreign exchange, foreign currency accounts and movable property and the right upon termination of employment with UNHCR to take out of the host country their funds for the lawful possession of which they can show good cause;

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

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

(i) Their furniture and personal effects in one or more separate shipments and thereafter to import necessary additions to the same, including motor vehicles, according to the regulations applicable in the country to diplomatic representatives accredited in the country and/or resident members of international organizations;

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

3. UNHCR officials who are nationals of or permanent residents in the host country shall enjoy only those privileges and immunities provided for in the Convention.

#### *Article XI*

##### LOCALLY RECRUITED PERSONNEL

1. Persons recruited locally and assigned to hourly rates to perform services for UNHCR shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity.

2. The terms and conditions of employment for locally recruited personnel shall be in accordance with the relevant United Nations resolutions, regulations and rules.

#### *Article XII*

##### EXPERTS ON MISSION

1. Experts performing mission for UNHCR shall be accorded such facilities, privileges and immunities as are necessary for the independent exercise of their functions. In particular they shall be accorded:

(a) Immunity from personal arrest or detention;

(b) Immunity from legal process of every kind in respect of words spoken or written and acts done by them in the course of the performance of their

mission. This immunity shall continue to be accorded notwithstanding that they are no longer employed on missions for UNHCR;

(c) Inviolability for all papers and documents;

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

(e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;

(f) The same immunities and facilities, including immunity from inspection and seizure, in respect of their personal baggage as are accorded to diplomatic envoys.

### *Article XIII*

#### PERSONS PERFORMING SERVICES ON BEHALF OF UNHCR

Except as the Parties may otherwise agree, the Government shall grant to all persons performing services on behalf of UNHCR, other than nationals of the host country employed locally, the privileges and immunities specified in article V, section 18, of the Convention. In addition, they shall be granted:

(a) Prompt clearance and issuance, without cost, of visas, licences or permits necessary for the effective exercise of their functions;

(b) Free movement within, to or from the country, to the extent necessary for the implementation of the UNHCR humanitarian programmes.

### *Article XIV*

#### NOTIFICATION

1. UNHCR shall notify the Government of the names of UNHCR officials, experts on mission and other persons performing services on behalf of UNHCR, and of changes in the status of such individuals.

2. UNHCR officials, experts on mission and other persons performing services on behalf of UNHCR shall be provided with a special identity card certifying their status under this Agreement.

### *Article XV*

#### WAIVER OF IMMUNITY

Privileges and immunities are granted to UNHCR personnel in the interests of the United Nations and UNHCR and not for the personal benefit of the individuals concerned. The Secretary-General of the United Nations may waive the immunity of any of UNHCR personnel in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations and UNHCR.

### *Article XVI*

#### SETTLEMENT OF DISPUTES

Any dispute between the Government and UNHCR arising out of or relating to this Agreement shall be settled amicably by negotiation or other agreed mode of settlement, failing which such dispute shall be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the chairman. If within thirty days of the request for arbitration either Party has not appointed an arbitrator or if within fifteen days of the appointment of two arbitrators the

third arbitrator has not been appointed, either Party may request the President of the International Court of Justice to appoint an arbitrator. All decisions of the arbitrators shall require a vote of two of them. The procedure of the arbitration shall be fixed by the arbitrators, and the expenses of the arbitration shall be borne by the Parties as assessed by the arbitrators. The arbitral award shall contain a statement of the reasons on which it is based and shall be accepted by the Parties as the final adjudication of the dispute.

### *Article XVII*

#### GENERAL PROVISIONS

1. This Agreement shall enter into force on the date of its signature by both Parties and shall continue in force until terminated under paragraph 5 of this article.

2. This Agreement shall be interpreted in the light of its primary purpose, which is to enable UNHCR to carry out its international mandate for refugees fully and efficiently and to attain its humanitarian objectives in the country.

3. Any relevant matter for which no provision is made in this Agreement shall be settled by the Parties in keeping with the relevant resolutions and decisions of the appropriate organs of the United Nations. Each Party shall give full and sympathetic consideration to any proposal advanced by the other Party under this paragraph.

4. Consultations with a view to amending this Agreement may be held at the request of either Party. Amendments shall be made by joint written agreement.

5. Either Party may terminate this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the date of such notification, except as regards the normal cessation of the activities of UNHCR in the country and the disposal of its property in the country.

(33) Agreement between the United Nations and the Government of the Kingdom of Spain concerning the Meeting of Experts of the Economic Commission for Europe on the Problems of Habitat in Southern Europe, to be held at Seville from 21 to 23 October 1992.<sup>45</sup> Signed at Geneva on 16 October 1992<sup>46</sup>

...

4. The Spanish Government shall be responsible for dealing with any action, claim or other demand against the United Nations arising out of: (i) injury to persons or damage to property on the premises of the meeting; (ii) transportation services supplied by the Spanish Party; and (iii) the employment for the meeting of the personnel provided by the Spanish Party or personnel whose recruitment it had arranged; the Spanish Party shall hold the United Nations and its officials harmless in respect of any such action, claim or other demand.

5. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946, to which Spain is a party, shall be applicable in respect of the meeting; in particular:

(a) The participants shall enjoy the privileges and immunities provided under article VI of the Convention to experts on mission for the United Na-

tions. The officials of the United Nations participating in the meeting or performing functions in connection with it shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

(b) 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;

(c) Personnel provided by the Spanish Party pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the meeting;

(d) All participants and all persons performing functions in connection with the meeting shall have the right of unimpeded entry into and exit from Spain. Visas and entry permits, where required, shall be granted free of charge.

6. The conference rooms, office space and other premises and facilities that the Spanish Government shall provide to the meeting shall constitute the conference area and shall be deemed to constitute premises of the United Nations in the sense of section 3, article II, of the Convention of 13 February 1946.

7. The Spanish Government shall inform the competent local authorities that the meeting is being held and shall be responsible for the security and tranquillity of the meetings.

8. This Agreement shall enter into force as soon as the Organization receives written notification from the Spanish Party of compliance with all the necessary formalities required by Spanish law for the ratification of a treaty. Should the Organization fail to receive such notification by 19 October 1992, the present provisions shall be applied provisionally as from that date.

9. The Agreement shall remain in force for the duration of the meeting and for such additional period as is necessary for the preparation and winding up of the meeting; it shall also be applicable to the technical visits which shall take place on 19 and 20 October 1992.

(34) Agreement between the United Nations and the Government of Tunisia regarding the arrangements for the Preparatory African Regional Conference of the World Conference on Human Rights, [to be held at Tunis from 2 to 6 November 1992].<sup>47</sup> Signed at Geneva on 23 October 1992<sup>48</sup>

#### *Article X*

#### LIABILITY

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:

(a) Injury to persons or damage to or loss of property in the premises referred to in article III that are provided by or are under the control of the Government;

(b) Injury to persons or damage to or loss of property caused by, or incurred in using, the transport services referred to in article VI that are provided by or are under the control of the Government;

(c) The employment for the Conference of the personnel provided by the Government under article VIII.

2. The Government shall indemnify and hold harmless the United Nations and its officials 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, to which Tunisia is a party, shall be applicable in respect of the Conference. In particular, the representatives of States referred to in article II, paragraph 1 (a), above, shall enjoy the privileges and immunities provided under article IV of the Convention. The officials of the United Nations referred to in article II, paragraph 1 (i), above, who perform functions in connection with the Conference shall enjoy privileges and immunities provided under articles V and VII of the Convention.

2. The representatives and other persons referred to in article II, paragraph 1 (b), (c), (e), (f), (g), (h), (j), (k) and (l), 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 Conference. Experts on mission for the United Nations in connection with the Conference shall enjoy the privileges and immunities provided under articles VI and VII of the Convention.

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 Conference.

4. The representatives of the specialized agencies and of the International Atomic Energy Agency, referred to in article II, paragraph 1 (d), above, shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, to which Tunisia is a party.

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

6. All persons referred to in article II shall have the right of entry into and exit from Tunisia, and no impediment shall be imposed on their transit to and from the conference area. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible, and not later than two weeks before the date of the opening of the Conference, provided that the application for the visa is made at least three weeks before the opening of the Conference; if the application is made later, the visa shall be granted not later than three days from the receipt of the application. Arrangements shall also be made to ensure that visas for the duration of the Conference are delivered at Tunis-Carthage airport or land or sea frontier posts 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 Conference.

7. For the purpose of the Convention on the Privileges and Immunities of the United Nations, the conference premises specified in article III, paragraph 1, above, shall be deemed to constitute the 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, which will work in close cooperation with the security services designated by the Government in accordance with the specifications of article VII above. The premises shall be inviolable for the duration of the Conference, including the preparatory stage and the winding-up.

8. All persons referred to in article II above shall have the right to take out of Tunisia at the time of their departure, without any restriction, any unexpended portions of the funds they brought in to Tunisia in convertible currency in connection with the Conference and to reconvert any such funds at the existing rate of exchange.

9. The Government shall allow the temporary importation, tax-free 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 Conference. It shall issue without delay any necessary import and export permits for this purpose.

(35) Exchange of letters constituting an agreement between the United Nations and the Government of Italy concerning the Ad Hoc Meeting on Energy Efficiency Demonstration Zones of the Economic Commission for Europe, to be held at Rome from 28 to 30 October 1992.<sup>49</sup> Geneva, 7 and 27 October 1992<sup>50</sup>

## I

### LETTER FROM THE UNITED NATIONS

7 October 1992

I have the honour to transmit to you below the text of the agreement between the United Nations and the Government of Italy (hereinafter referred to in this text as "the Government") concerning the Ad Hoc Meeting on Energy Efficiency Demonstration Zones of the Economic Commission for Europe, to be held, at the invitation of the Government, at Rome from 28 to 30 October 1992.

...

4. The Government shall be responsible for dealing with any action, claim or other demand against the United Nations arising out of: (i) injury to persons or damage to property on the premises of the Meeting; (ii) transport services provided by the Government; and (iii) the employment for the Meeting of the personnel provided by the Government or which the Government has made arrangements to recruit; the Government shall hold the United Nations and its officials harmless in respect of any such action, claim or other demand.

5. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946, to which Italy is a party, shall be applicable in respect of the Meeting. In particular:

(a) The participants shall enjoy the privileges and immunities provided for experts on mission for the United Nations under article VI of the Convention. The officials of the United Nations taking part in, or performing functions



in connection with, the Meeting shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

(b) 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;

(c) The personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Meeting;

(d) 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 free of charge and without delay.

6. The conference room, office space and other premises and installations which the Government shall make available for the Meeting shall constitute the conference area and shall be deemed premises of the United Nations in the sense of article II, section 3, of the Convention of 13 February 1946.

7. The Government shall inform the competent local authorities that the Meeting is being held and shall ensure the security and tranquillity of its meetings.

8. Any dispute concerning the interpretation or application of this Agreement, except for a dispute subject to the appropriate provisions of the Convention on Privileges and Immunities of the United Nations or of any other applicable agreement, shall be settled by negotiation or in accordance with any other procedure agreed upon by the parties.

I have the honour to propose that this letter and your reply in the affirmative shall constitute an agreement between the United Nations and the Government of Italy, 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 additional period as is necessary for the preparations and winding-up for the Meeting.

(Signed) Antoine BLANCA  
Director-General of the  
United Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT REPRESENTATIVE OF ITALY TO THE UNITED NATIONS OFFICE AT GENEVA

27 October 1992

With reference to your letter G/LE-311/21 of 7 October 1992, I have the honour to inform you that the Government of Italy has agreed to the holding of the Ad Hoc Meeting on Energy Efficiency Demonstration Zones of the Economic Commission for Europe, to be held, at the invitation of my Government, at Rome from 28 to 30 October 1992.

(Signed) Giulio DI LORENZO BADIA  
Ambassador

- (36) Agreement between the United Nations and the Government of Uzbekistan relating to the establishment of a United Nations interim office in Uzbekistan.<sup>51</sup> Signed at Tashkent on 27 November 1992 and at New York on 7 December 1992

This Agreement contains provisions similar to the Agreement reproduced under subparagraph (p) above, with changes reproduced under subparagraph (z) above.

- (37) Exchange of letters constituting an agreement between the United Nations and the Government of Italy regarding the Seminar on Statistics Services of Mediterranean Countries of the Economic Commission for Europe,<sup>52</sup> held at Palermo from 13 to 15 October 1992. Geneva, 17 June and 10 December 1992<sup>53</sup>

## I

### LETTER FROM THE UNITED NATIONS

17 June 1992

I have the honour to transmit to you below the text of the agreement between the United Nations and the Government of Italy (hereinafter referred to in this text as "the Government") concerning the Seminar on Statistics Services of Mediterranean countries of the Economic Commission for Europe, to be held, at the invitation of the Government, at Palermo, from 13 to 15 October 1992.

...

4. The Government shall be responsible for dealing with any action, claim or other demand against the United Nations arising out of: (i) injury to persons or damage to property on the premises of the Seminar; (ii) transport services provided by the Government; and (iii) the employment for the Seminar of the personnel provided by the Government or which the Government has made arrangements to recruit. The Government shall hold the United Nations and its officials harmless in respect of any such action, claim or other demand.

5. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946, to which Italy is a party, shall be applicable in respect of the Seminar. In particular:

(a) The participants shall enjoy the privileges and immunities provided for experts on mission for the United Nations under article VI of the Convention. The officials of the United Nations taking part in, or performing functions in connection with, the Seminar shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

(b) 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 Seminar shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Seminar;

(c) The personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Seminar;

(d) All participants and all persons performing functions in connection with the Seminar shall have the right of unimpeded entry into and exit from Italy. Visas and entry permits, where required, shall be granted free of charge and without delay.

6. The conference room, office space and other premises and installations which the Government shall make available for the Seminar shall constitute the conference area and shall be deemed premises of the United Nations in the sense of article II, section 3, of the Convention of 13 February 1946.

7. The Government shall inform the competent local authorities that the Seminar is being held and shall ensure the security and tranquillity of its meetings.

8. Any dispute concerning the interpretation or application of this Agreement, except for a dispute subject to the appropriate provisions of the Convention on the Privileges and Immunities of the United Nations or of any other applicable agreement, shall be settled by negotiation or in accordance with any other procedure agreed upon by the parties.

I have the honour to propose that this letter and your reply in the affirmative shall constitute an agreement between the United Nations and the Government of Italy, which shall enter into force on the date of your reply and shall remain in force for the duration of the Seminar and for such additional period as is necessary for the preparations and winding-up of the Seminar.

(Signed) Antoine BLANCA  
Director-General of the  
United Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT REPRESENTATIVE OF ITALY TO THE UNITED NATIONS OFFICE AT GENEVA

10 December 1992

With reference to your letters of 17 June 1992 and . . . , I have the honour to inform you that the Government of Italy has agreed to the Seminar on Statistics Services of Mediterranean Countries, held at Palermo from 13 to 15 October 1992 . . .

(Signed) Giulio DI LORENZO BADIA  
Ambassador

- (38) Exchange of letters constituting an agreement between the United Nations and the Government of Italy concerning the nineteenth session of the *FAO/ECE/ILO Joint Committee on Forest Technology, Management and Training of the Economic Commission for Europe*,<sup>54</sup> to be held at Croce di Magara from 29 September to 2 October 1992. Geneva, 25 June and 10 December 1992<sup>55</sup>

## I

### LETTER FROM THE UNITED NATIONS

25 June 1992

I have the honour to transmit to you below the text of the agreement between the United Nations and the Government of Italy (hereinafter referred to

in this text as “the Government”) concerning the nineteenth session of the FAO/ECE/ILO Joint Committee on Forest Technology, Management and Training of the Economic Commission for Europe, to be held, at the invitation of the Government, at Croce di Magara from 29 September to 2 October 1992.

...

4. The Government shall be responsible for dealing with any action, claim or other demand against the United Nations arising out of: (i) injury to persons or damage to property on the premises of the session; (ii) transport services provided by the Government; and (iii) the employment for the session of the personnel provided by the Government or which it has made arrangements to recruit. The Government shall hold the United Nations and its officials harmless in respect of any such action, claim or other demand.

5. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946, to which Italy is a party, shall be applicable in respect of the session. In particular:

(a) The participants shall enjoy the privileges and immunities provided for experts on mission for the United Nations under article VI of the Convention. The officials of the United Nations taking part in, or performing functions in connection with, the session shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

(b) 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 session shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the session;

(c) The personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the session;

(d) All participants and all persons performing functions in connection with the session shall have the right of unimpeded entry into and exit from Italy. Visas and entry permits, where required, shall be granted free of charge and without delay.

6. The conference room, office space and other premises and installations which the Government shall make available for the session shall constitute the conference area and shall be deemed premises of the United Nations in the sense of article II, section 3, of the Convention of 13 February 1946.

7. The Government shall inform the competent local authorities that the session is being held and shall ensure the security and tranquillity of its meetings.

8. Any dispute concerning the interpretation or application of this Agreement, except for a dispute subject to the appropriate provisions of the Convention on the Privileges and Immunities of the United Nations or of any other applicable agreement, shall be settled by negotiation or in accordance with any other procedure agreed upon by the parties.

9. This Agreement shall apply also to any technical visits which may take place during the session.

I have the honour to propose that this letter and your reply in the affirmative shall constitute an agreement between the United Nations and the Government of Italy which shall enter into force on the date of your reply and shall remain in force for the duration of the session and for such additional period as is necessary for the preparations and winding-up of the session.

(Signed) Antoine BLANCA  
Director-General of the United  
Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT REPRESENTATIVE OF ITALY TO THE UNITED NATIONS OFFICE AT GENEVA

10 December 1992

With reference to your letters G/LE-311/21 of 17 and 25 June 1992, I have the honour to inform you that the Government of Italy has agreed to the Seminar . . . , and to the nineteenth session of the FAO/ECE/ILO Committee on Forest Technology, Management and Training, held at Croce di Magara from 29 September to 2 October 1992.

(Signed) Giulio DI LORENZO BADIA  
Ambassador

- (39) Exchange of letters constituting an agreement between the United Nations and the Government of Bolivia regarding the organization of the Expert Group Meeting on Population Distribution and Migration,<sup>56</sup> to be held at Santa Cruz from 18 to 22 January 1993. La Paz, 11 and 22 December 1992

## I

### LETTER FROM THE UNITED NATIONS

11 December 1992

I have the honour to refer to the agreements reached with respect to the organization of the Expert Group Meeting on Population Distribution and Migration (hereinafter referred to as the Meeting) that the United Nations is organizing in Santa Cruz, Bolivia, from 18 to 22 January 1993.

...

5. I wish to propose that the following terms shall apply to the Meeting:
- (a) (i) The Convention on the Privileges and Immunities of the United Nations 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;
  - (ii) Officials of the United Nations participating in or performing functions in connection with the Meeting shall enjoy the privileges and the immunities provided under articles V and VII of the Convention. Officials of the specialized agencies participating in the Meeting will be accorded the privileges and immunities provided under articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies;

(iii) 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;

(iv) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in 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 Bolivia. Visas and entry permits, where required, shall be granted free of charge and as promptly as possible;

(c) The Government of Bolivia will be responsible for dealing with any action, claim or other demand against the United Nations arising out of:

(i) The transportation provided by the Government;

(ii) Injury to person or damage of property in conference or office premises provided for the Meeting;

(iii) The actions or omissions of locally recruited personnel for the Expert Group Meeting.

The Government shall hold the United Nations and its personnel harmless in respect of any action, claim or other demand except if the parties agree that the injury or damage involved has resulted from wilful misconduct or gross negligence on the part of United Nations personnel.

6. I further propose that, upon your confirmation in writing of the above, this exchange of letters shall constitute an Agreement between the United Nations and the Government of Bolivia regarding the provision of host facilities by your Government for the Meeting on Population Distribution and Migration.

(Signed) Gonzalo PÉREZ DEL CASTILLO  
Representative

## II

### LETTER FROM THE MINISTRY FOR FOREIGN RELATIONS AND WORSHIP OF BOLIVIA

22 December 1992

I have the honour to acknowledge receipt of the note from the representative to the United Nations of 11 December, which reads as follows:

[See letter I]

I have further the honour to confirm on behalf of the Government of the Republic of Bolivia the understanding set forth in the note of the representative of the United Nations.

(Signed) Humberto Böhrh ARTIEDA  
Minister

### 3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND

- (a) Basic Cooperation Agreement between the United Nations (United Nations Children's Fund) and the Government of Romania, with an exchange of letters.<sup>57</sup> Signed at Bucharest on 21 June 1991

#### *Article IX*

##### PRIVILEGES AND IMMUNITIES

1. The Government shall extend to UNICEF, its property, funds and assets, and to its officials and experts on mission, the privileges and immunities set out in the Convention.<sup>58</sup>

2. Without prejudice to the provisions of paragraph 1 of the present article, the Government shall in particular extend to UNICEF and its personnel the privileges, immunities, rights and facilities provided in articles X to XVII hereunder.

#### *Article X*

##### UNICEF OFFICE, PROPERTY, FUNDS AND ASSETS

1. The premises of the UNICEF office shall be inviolable. The appropriate government authorities shall exercise due diligence to ensure the security and protection of the premises of the UNICEF office.

2. Without being restricted by financial controls, regulations or moratoriums of any kind, UNICEF may freely:

(a) Bring into the country from any other country and acquire from authorized banking and financial institutions, funds, securities, currencies of any kind and negotiable instruments;

(b) Accept funds, securities, currencies of any kind and negotiable instruments conveyed to UNICEF through bequests, or obtained from UNICEF activities in the country;

(c) Hold and use funds, securities, currencies of any kind and negotiable instruments for its programmes in the country, maintain and operate accounts in any currency, and convert any currencies held by it into any other currency;

(d) Transfer its funds, securities, currencies of any kind and negotiable instruments from the country to any other country or within the country, to individuals, firms, institutions or agencies, including any organization or agency of the United Nations system.

3. The rate of exchange available to UNICEF for the financial activities envisaged above shall be the most favourable, legally available rate of exchange.

4. In exercising the rights accorded to it under paragraph 2 of the present article, UNICEF shall pay due regard to any representation made to it by the Government and shall endeavour to give effect thereto, so far as this is possible without detriment to its own interests.

#### *Article XI*

##### FACILITIES IN RESPECT OF COMMUNICATIONS

1. UNICEF shall enjoy, in respect of its official communications, treatment not less favourable than that accorded by the Government to any other

Government, including its diplomatic missions, or to other intergovernmental organizations in matters of establishment and operation, priorities, tariffs, charges on mail and cablegrams and on teleprinter, facsimile, telephone and other communications, as well as rates for information to the press and radio.

2. No official correspondence or other communication of UNICEF shall be subjected to censorship. Such immunity shall extend to printed matter, photographic and electronic data communications and other forms of communications to be added by joint agreement. UNICEF shall be entitled to use codes and to dispatch and receive correspondence either by courier or in sealed pouches, all of which shall be inviolable and not subject to censorship.

3. UNICEF shall be entitled, in establishment and operation of its official communications, to the benefits of the International Telecommunication Convention (Nairobi, 1982) and the regulations annexed thereto.

### *Article XII*

#### FACILITIES IN RESPECT OF MEANS OF TRANSPORTATION

The Government shall grant UNICEF necessary permits or licences for, and shall not impose undue restrictions on, the acquisition or use and maintenance by UNICEF of civil aeroplanes and other crafts required for programme activities under the present Agreement.

### *Article XIII*

#### UNICEF PERSONNEL

##### *Officials*

1. UNICEF officials shall enjoy the following privileges and immunities:

(a) Immunity from legal process of any kind in respect of words spoken or written or in respect of any act performed in an official capacity. Such immunity will continue even after termination of employment with UNICEF;

(b) The same protection and repatriation facilities with respect to themselves, their spouses and other dependants as are accorded in time of crisis to diplomatic envoys;

(c) Exemption from taxation in respect of salaries, emoluments and allowances paid by UNICEF;

(d) Prompt clearance and issuance without cost of necessary visas, licences or permits necessary for the effective exercise of their functions;

(e) Free movement within or to or from the country, to the extent necessary for the implementation of the programmes of cooperation;

(f) Exemption, with respect to themselves, their spouses and other dependants from immigration restriction and alien registration;

(g) The issuance of any permits necessary for importation free of duty of household and personal effects or other property, materials and supplies intended for their personal use or consumption and authorization to take any of them out of the country on completion of their assignment;

(h) Immunity from service in the military and any other obligatory service.

##### *Experts on mission*

2. Experts on mission shall be granted the privileges and immunities specified in article VI, sections 22 to 23, of the Convention.



#### *Article XIV*

##### PERSONS PERFORMING SERVICES

Persons performing services on behalf of UNICEF, other than nationals of the host country employed locally, shall be granted the privileges and immunities specified in article V, section 18, of the Convention. They shall, in particular, be granted the rights and facilities specified in subparagraphs (c), (d), (e) and (g) of paragraph 1 of article XIII of the present Agreement.

#### *Article XV*

##### OTHER PERSONNEL

The terms and conditions of employment for personnel recruited locally by UNICEF and assigned to hourly rates shall be in accordance with the relevant United Nations resolutions, decisions, regulations and rules and policies of the competent organs of the United Nations and governing bodies of UNICEF.

#### *Article XVI*

##### HEAD OF THE UNICEF OFFICE

The head of the UNICEF office shall enjoy the privileges, immunities and facilities granted to heads of diplomatic missions accredited to the Government. For this purpose his or her name shall be incorporated into the diplomatic list. The senior officials, as may be agreed between UNICEF and the Government, shall enjoy the same privileges and immunities accorded by the Government to the members of diplomatic missions of comparable ranks.

#### *Article XVII*

##### GREETING CARDS AND OTHER UNICEF PRODUCTS

Any materials imported or exported by UNICEF or by national bodies duly authorized by UNICEF to act on its behalf, in connection with the established purposes and objectives of the UNICEF Greeting Card Operation, shall be exempt from all customs duties, prohibitions and restrictions, and the sale of such materials for the benefit of UNICEF shall be exempt from all national and local taxes.

#### *Article XVIII*

##### WAIVER OF PRIVILEGES AND IMMUNITIES

The privileges and immunities accorded under the present Agreement are granted in the interest of the United Nations, including UNICEF, and not for the personal benefit of the persons concerned. The Secretary-General of the United Nations has the right and the duty to waive the immunity of any individual in any case where, in his opinion, such immunity impedes the course of justice and can be waived without prejudice to the interests of the United Nations and UNICEF.

#### *Article XIX*

##### CLAIMS AGAINST UNICEF

1. UNICEF cooperation in programmes under the present Agreement is provided for the benefit of the Government and people of the host country and, therefore, the Government shall bear all the risks of the operations under the present Agreement.

2. The Government shall, in particular, be responsible for dealing with all claims, arising from or directly attributable to the operations under the present

Agreement, which may be brought by third parties against UNICEF, UNICEF officials, experts on mission and persons performing services on behalf of UNICEF and shall, in respect of such claims, indemnify and hold them harmless, except where the Government and UNICEF agree that the particular claim or liability was caused by gross negligence or wilful misconduct.

I

LETTER FROM THE MINISTRY OF FOREIGN AFFAIRS OF ROMANIA

21 June 1992

I have the honour to refer to the UNICEF Basic Cooperation Agreement signed on 21 June 1991 by and between the Government of Romania and UNICEF.

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

...

*Article X, paragraph 2*

Funds received by UNICEF for financing humanitarian activities in Romania shall not be reallocated for other purposes outside Romania except as otherwise agreed to by the Parties.

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

*(Signed)* Constantin ENE  
Secretary of State

II

LETTER FROM THE UNITED NATIONS CHILDREN'S FUND

21 June 1992

I have the honour to refer to the Basic Cooperation Agreement signed on 21 June 1991 between the Government of Romania and UNICEF and to acknowledge receipt of your letter of 21 June 1991 placing on record certain understandings of the Parties with respect to the Agreement, which letter reads as follows:

[See letter I]

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

*(Signed)* Samir SANAD BASTA  
Director, United Nations  
Children's Fund in Geneva

- (b) Agreement between the United Nations (United Nations Children's Fund) and the Government of Senegal on the assignment to UNICEF of a building for use as offices.<sup>59</sup> Signed at Dakar on 18 March 1992

*Article I*

IMPLEMENTATION

This agreement shall be executed and interpreted in accordance with the terms of the Headquarters Agreement, the primary objective being to enable UNICEF to conduct its activities in a full and effective manner and to achieve its objectives in Senegal.

...

*Article III*

PROTOCOL

UNICEF shall have the right to occupy and to utilize the building in the state in which it is handed over, rent free, for a period of 30 years, or until UNICEF decides, before the expiration of that period, to move to another location in Senegal.

UNICEF undertakes:

- Not to modify the designated use of the premises;
- To maintain the building in good condition and to cover any related costs;
- Not to sublet the building (in whole or in part);
- Upon vacating the premises, to cede to the Government free of charge any construction or renovation of any type undertaken therein;
- To practise good stewardship of the premises;
- To return the building to the Government, without compensation, after 30 years or, before that period has expired, at the time when UNICEF decides to move to another location;
- To return the building to the Government, in the event that work to be conducted in the public interest or utility requires its return, in which case UNICEF shall be entitled to compensation equal to the non-amortized cost established by expert appraisal of whatever constructions and renovations may have been carried out.

*Article V*

TAX EXEMPTION

UNICEF shall benefit from exemption from all taxes on the land and the building, in accordance with article VII of the Headquarters Agreement.

*Article VI*

PRIVILEGES AND IMMUNITIES

Nothing in this agreement shall be construed as a derogation, implied or express, from the immunity from prosecution or legal action, or from the privileges, exemptions or other immunities which UNICEF enjoys as a United Nations organ, either under the terms of the Convention on the Privileges and Immunities of the United Nations or those of any agreement, law or decree whether national, international or other.

#### 4. AGREEMENTS RELATING TO THE UNITED NATIONS DEVELOPMENT PROGRAMME

Standard Basic Assistance Agreement between the recipient Government and the United Nations Development Programme<sup>60</sup>

##### *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*]

Agreements between the United Nations Development Programme and the Governments of Bulgaria,<sup>61</sup> Kyrgyzstan,<sup>62</sup> Belarus<sup>63</sup> and the Republic of Moldova.<sup>64</sup> Signed at New York on 20 August 1992, at Bishkek on 14 September 1992, 24 September 1992 and 2 October 1992 respectively.

These agreements contain provisions similar to articles III, paragraph 5, IX, X and XIII, paragraph 4, of the Standard Basic Assistance Agreement.

### **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.<sup>65</sup> Approved by the General Assembly of the United Nations on 21 November 1947

In 1992 the following States acceded to the Convention or, if already parties, undertook by a subsequent notification to apply the provisions of the Convention, in respect of the specialized agencies indicated below.

<i>State</i>	<i>Date of receipt of instrument of accession, succession or notification</i>	<i>Specialized agencies</i>
Cameroon ... accession	30 April 1992	ILO, FAO (second revised text of annex II), ICAO, UNESCO, IMF, IBRD, WHO (third revised text of annex VII), UPU, ITU, WMO, IMO (revised text of annex XII), IFC, IDA, WIPO, IFAD, UNIDO

<i>State</i>	<i>Date of receipt of instrument of accession, succession or notification</i>	<i>Specialized agencies</i>
Slovenia . . . succession	6 July 1992	FAO, IBRD, IDA, IFAD, IFC, ILO, IMF, ITU, UNESCO, UPU, WHO, WIPO, WMO
Belarus . . . notification	27 August 1992 13 October 1992	IMF WHO
Bahrain . . . accession	17 September 1992	ILO, FAO (second revised text of annex II), ICAO, UNESCO, IMF, IBRD, WHO (third revised text of annex VII), IMO (revised text of annex XII)
Croatia . . . succession	12 October 1992	ILO, FAO, UNESCO, IMF, IBRD, WHO (second and third revised texts of annex VII), UPU, ITU, WMO, IMO, IFC, IDA, WIPO, IFAD (revised and second revised texts of annex II)

As of 31 December 1992, 100 States were parties to the Convention.<sup>66</sup>

## 2. UNIVERSAL POSTAL UNION

Agreement between the Universal Postal Union and the Government of the Republic of Korea concerning the organization of the 21st Universal Postal Congress [to be held at Seoul from 21 August to 14 September 1994].<sup>67</sup> Signed at Seoul on 17 September 1992

### *Article 19*

#### PRIVILEGES AND IMMUNITIES

The Host Government will ensure that the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations is extended to the Universal Postal Union and to the participants in the 21st Congress. Questions not specifically covered by that Convention will be the subject of subsequent clarification or agreement between the parties.

### *Article 20*

#### TAXES AND DUTIES

The Union will be exempted from any taxes and duties on its expenses relating to the Congress, including the lodging of the personnel of the Congress Secretariat.

## 3. INTERNATIONAL TELECOMMUNICATION UNION

Agreement between the International Telecommunication Union and the Government of Spain concerning the convening, organization and financing of the World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum

[to be held at Torremolinos-Málaga from 3 February to 3 March 1992].<sup>68</sup> Signed at Geneva on 9 October 1991<sup>69</sup>

### 3. *Privileges and immunities*

3.1 In accordance with section 24 (No. 601) of article 77 of the Convention (see also the relevant provisions of the International Telecommunication Regulations (Melbourne, 1988)), the Spanish Government shall grant telegram, telephone and telex franking privileges to all the persons referred to in No. 601 of the Convention. The conditions governing such privileges shall be communicated to the persons concerned prior to the opening of the Conference.

3.2 In the framework of this Agreement and its implementation, the Spanish Government shall unreservedly apply the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the United Nations General Assembly on 21 November 1947 (hereinafter referred to as "the 1947 Convention"), to which Spain is a party (see also resolution No. 1004 of the Administrative Council of ITU endorsing its resolution No. 193).

3.3 The facilities, privileges and immunities provided for in the 1947 Convention shall be granted to the participants in the Conference, to the ITU staff members appearing on the list prepared by ITU and communicated to the Spanish Government in the two weeks following the entry into force of this Agreement and to their respective families for the duration of the Conference and during their stay in Spain for the two periods of ten (10) days preceding and following the Conference.

## 4. UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

- (a) Standard Basic Cooperation Agreement between the United Nations Industrial Development Organization and the Member State receiving assistance from UNIDO<sup>70</sup>

### *Article X*

#### PRIVILEGES AND IMMUNITIES

[See *Juridical Yearbook*, 1990, p. 52]

### *Article XI*

#### FACILITIES FOR THE IMPLEMENTATION OF UNIDO ASSISTANCE

[See *Juridical Yearbook*, 1990, p. 53]

### *Article XIV*

#### GENERAL PROVISIONS

4. [See *Juridical Yearbook*, 1990, p. 53]

Agreement between the United Nations Industrial Development Organization and the Government of Nigeria.<sup>71</sup> Signed at Vienna on 5 November 1992

This Agreement contains provisions similar to articles X, XI, paragraphs 1 and 2, and XIV, paragraph 4, of the Standard Basic Cooperation Agreement.

- (b) Agreement between the United Nations Industrial Development Organization and the Government of Cameroon regarding the arrangements for the fifth regular session of the General Conference of UNIDO [to be held at Yaoundé from 6 to 10 December 1993].<sup>72</sup>  
Signed at Vienna on 2 November 1992

*Article X*

LIABILITY

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

(a) Injury to persons or damage to or loss of property in the premises referred to in article III that are provided by or are under the control of the Government;

(b) The employment for the Conference of the personnel provided by the Government under article VIII.

(c) Any transportation provided by the Government for the Conference.

2. The Government shall indemnify and hold harmless UNIDO and its officials in respect of any such action, claim or other demand, except in cases where UNIDO and the Government are both of the view that the eventual damages are attributable to an act arising from the gross negligence or wilful misconduct of UNIDO or of its officials.

*Article XI*

PRIVILEGES AND IMMUNITIES

1. In accordance with article 21 of the Constitution of UNIDO, the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, to which Cameroon is a party, shall be applicable in respect of the Conference. In particular, the representatives, alternates, advisers and experts of States or of the intergovernmental organs referred to in article II, paragraph 1(a), (b) and (c), above shall enjoy the privileges and immunities provided under article IV of the Convention, the officials of UNIDO performing functions in connection with the Conference referred to in article II, paragraph 2, above shall enjoy the privileges and immunities provided under articles V and VII of the Convention and any experts on mission for UNIDO in connection with the Conference shall enjoy the privileges and immunities provided under articles VI and VII of the Convention.

2. The representatives or observers referred to in article II, paragraph 1(e), (f), (g) and (h), 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 Conference.

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 Conference.

4. The representatives of the specialized or related agencies referred to in article II, paragraph 1(d), above, shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Special-

ized Agencies or the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, as appropriate.

5. Without prejudice to the preceding paragraphs of the present article, all persons performing functions in connection with the Conference, including those referred to in article VIII and all those participating in the Conference, shall enjoy the privileges, immunities and facilities necessary for the independent exercise of their functions in connection with the Conference.

6. All persons referred to in article II shall have the right of entry into and exit from Cameroon, and no impediment shall be imposed on their transit to and from the conference area. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the Conference, provided the application for the visa is made at least three weeks before the opening of the Conference; if the application is made later, the visa shall be granted not later than three days from the receipt of the application. Arrangements shall also be made to ensure that visas for the duration of the Conference are delivered at the airport or other specified points of entry 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 Conference.

7. For the purpose of the Convention on the Privileges and Immunities of the United Nations, the conference premises specified in article III, paragraph 1, above shall be deemed to constitute premises of UNIDO in the sense of section 3 of the Convention and access thereto shall be subject to the authority and control of UNIDO. The premises shall be inviolable for the duration of the Conference, including the preparatory stage and the winding-up.

8. All persons referred to in article II above shall have the right to take out of Cameroon at the time of their departure, without any restriction, any unexpended portions of the funds they brought into Cameroon in connection with the Conference and to reconvert any such funds at their departure.

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 Conference. It shall issue without delay any necessary import and export permits for this purpose.

(c) Agreement between the United Nations Industrial Development Organization and the Government of Tunisia concerning the arrangements for the First Consultation on the Construction Industry, to be held at Tunis from 3 to 7 May 1993.<sup>73</sup> Signed at Vienna on 10 December 1992<sup>74</sup>

#### *Article X*

#### LIABILITY

1. The Government shall be responsible for dealing with any action, claim or other demand which may be instituted against UNIDO or its personnel arising out of:



(a) Injury to person or damage to or loss of property in the premises referred to in article III which are provided by or belong to the Government;

(b) The employment for the Consultation of the personnel provided by the Government under article VIII;

(c) Any transport services provided by the Government for the Consultation.

2. The Government shall indemnify and hold harmless UNIDO and its personnel in respect of any 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, to which Tunisia is a party, shall be applicable in respect of the Consultation. In particular, the participants referred to in article II, paragraph 1 (a), above shall enjoy the privileges and immunities provided under article IV of the Convention, the officials of UNIDO assigned to the Consultation referred to in article II, paragraph 2, above shall enjoy the privileges and immunities provided under articles V and VII and experts on mission for UNIDO in connection with the Consultation shall enjoy the privileges and immunities provided under articles VI and VII of the Convention.

2. The representatives/observers referred to in article II, paragraph 1 (b), 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 Consultation.

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 Consultation.

4. Without prejudice to the preceding paragraphs of this article, the Government shall grant all persons performing functions in connection with the Consultation, including those referred to in article VIII, and all persons participating in the Consultation the privileges, immunities and facilities necessary for the independent exercise of their functions in connection with the Consultation. All persons referred to in article II shall have the right of entry into and exit from Tunisia, and no impediment shall be imposed on their transit to and from the Consultation areas. They shall be granted facilities for speedy travel.

5. UNIDO shall provide the Tunisian authorities with a list of persons invited to the Consultation. Entry and exit visas, 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 Consultation, provided that the application for the visa is made at least three weeks before the opening of the Consultation. If the application is made later, the visa shall be granted not later than three days from the receipt of the application. Exit permits, where required, shall be granted free of charge, as speedily as possible, and in any case not later than three days before the closing of the Consultation. The Government shall make the necessary arrangements to ensure that the entry visa is granted to participants from countries where Tunisia has no diplomatic representation upon their arrival at the Tunis airport.

6. For the purpose of the application of the Convention on the Privileges and Immunities of the United Nations, the premises of the conference mentioned in article III, paragraph 1, above shall be deemed to constitute premises of UNIDO in the sense of section 3 of the Convention and access thereto shall be subject to the authority and control of UNIDO. The premises shall be inviolable for the duration of the Consultation, including the preparatory stage and the winding-up.

7. All persons referred to in article II above shall have the right to take out of Tunisia on their departure, without any restrictions, any unexpended portions of the funds they brought into Tunisia in connection with the Consultation at the official rate of exchange.

8. 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 all supplies necessary for the Consultation. It shall issue without delay any necessary import and export permits for this purpose.

## 5. INTERNATIONAL ATOMIC ENERGY AGENCY

Agreement on the Privileges and Immunities of the International Atomic Energy Agency.<sup>75</sup> Approved by the Board of Governors of the Agency on 1 July 1959

In 1992 the following States accepted the Agreement on the dates indicated below:

<i>State</i>	<i>Date of receipt of instrument of acceptance or notification of succession</i>
Slovenia . . . succession	7 July 1992
Estonia . . . acceptance	12 February 1992

As of 31 December 1992, 62 States were parties to the Agreement.

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### NOTES

<sup>1</sup>United Nations, *Treaty Series*, vol. 1, p. 15.

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

<sup>3</sup>For the list of those States, see *Multilateral treaties deposited with the Secretary-General* (United Nations publication, Sales No. E.93.V.11).

<sup>4</sup>Came into force on the date of signature.

<sup>5</sup>Came into force on 24 February 1992.

<sup>6</sup>Came into force on 25 February 1992.

<sup>7</sup>Came into force on 25 February 1992.

<sup>8</sup>Translation from French prepared by the Secretariat of the United Nations.

<sup>9</sup>Came into force on the date of signature.

<sup>10</sup>Came into force on the date of signature.

<sup>11</sup>Came into force on 28 February 1992.

<sup>12</sup>Translation from French prepared by the Secretariat of the United Nations.

<sup>13</sup>Reproduced in *Juridical Yearbook, 1991*, chap. IIA 2(o).

<sup>14</sup>The Protocol took effect on 2 March 1993, pending the completion of the constitutional requirements in El Salvador.

<sup>15</sup>Translation from Spanish prepared by the Secretariat of the United Nations.

<sup>16</sup>Came into force on 3 March 1992.

<sup>17</sup>Came into force on the date of signature.

<sup>18</sup>Came into force on 23 May 1992.

<sup>19</sup>Translation from Spanish prepared by the Secretariat of the United Nations.

<sup>20</sup>Came into force on 30 April 1992.

<sup>21</sup>Came into force on 4 May 1992.

<sup>22</sup>Came into force on the date of signature.

<sup>23</sup>Came into force on 15 May 1992.

<sup>24</sup>Came into force on the date of signature.

<sup>25</sup>Came into force on 19 May 1992.

<sup>26</sup>Came into force on 20 May 1992.

<sup>27</sup>Came into force on 2 June 1992.

<sup>28</sup>Translated from French by the Secretariat of the United Nations.

<sup>29</sup>Came into force on the date of signature.

<sup>30</sup>Came into force on 1 July 1992.

<sup>31</sup>Translation from French prepared by the Secretariat of the United Nations.

<sup>32</sup>Came into force on 1 July 1992.

<sup>33</sup>Translation from French prepared by the Secretariat of the United Nations.

<sup>34</sup>Came into force on 27 July 1992.

<sup>35</sup>Came into force on 18 August 1992.

<sup>36</sup>Came into force on 26 August 1992.

<sup>37</sup>Came into force provisionally on 28 September 1992.

<sup>38</sup>The Agreement took effect on 28 September 1992, in accordance with its article 12, paragraph 2, which provides that the Agreement shall be provisionally applicable as from that date if the Organization has not received written notification that all procedures necessary for ratification of a treaty under Spanish law have been complied with.

<sup>39</sup>Translation from French and Spanish prepared by the Secretariat of the United Nations.

<sup>40</sup>Came into force on 29 September 1992.

<sup>41</sup>Came into force on the date of signature.

<sup>42</sup>Came into force on the date of signature.

<sup>43</sup>Came into force on the date of signature.

<sup>44</sup>Came into force on the date of signature.

<sup>45</sup>The Agreement took effect on 19 October 1992 in accordance with its paragraph 8 which provides that, should the Organization fail to receive by that date written notification from the Spanish party of compliance with all the necessary formalities required by Spanish law for the ratification of a treaty, the provisions of the Agreement shall be applied provisionally as from 19 October 1992.

<sup>46</sup>Translation from French and Spanish prepared by the Secretariat of the United Nations.

<sup>47</sup>Came into force on the date of signature.

<sup>48</sup>Translation from French prepared by the Secretariat of the United Nations.

<sup>49</sup>Came into force on 27 October 1992.

<sup>50</sup>Translation from French prepared by the Secretariat of the United Nations.

<sup>51</sup>Came into force on the date of signature.

<sup>52</sup>Came into force on 10 December 1992.

<sup>53</sup>Translation from French prepared by the Secretariat of the United Nations.

<sup>54</sup>Came into force on 10 December 1992.

<sup>55</sup>Translation from French prepared by the Secretariat of the United Nations.

<sup>56</sup>Came into force on 22 December 1992.

<sup>57</sup>Came into force on 21 August 1992.

<sup>58</sup>“Convention” means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly on 13 February 1946; United Nations, *Treaty Series*, vol. 1, p. 15.

<sup>59</sup>Came into force on the date of signature.

<sup>60</sup>UNDP, *Basic Documents Manual*, chap. II(1).

<sup>61</sup>Came into force provisionally on 20 August 1992.

<sup>62</sup>Came into force provisionally on 14 September 1992.

<sup>63</sup>Came into force provisionally on 24 September 1992.

<sup>64</sup>Came into force on the date of signature.

<sup>65</sup>United Nations, *Treaty Series*, vol. 33, p. 261.

<sup>66</sup>For the list of those States, see *Multilateral treaties deposited with the Secretary-General* (United Nations publication, Sales No. E.95.V.5).

<sup>67</sup>Came into force on the date of signature.

<sup>68</sup>Came into force on 12 June 1992.

<sup>69</sup>Translation from French and Spanish prepared by the Secretariat of the United Nations.

<sup>70</sup>UNIDO/IDB.1/13, annex, adopted by the General Conference of UNIDO on 12 December 1985.

<sup>71</sup>Came into force on the date of signature.

<sup>72</sup>Came into force on the date of signature.

<sup>73</sup>Came into force on the date of signature.

<sup>74</sup>Translation from French prepared by the Secretariat of the United Nations.

<sup>75</sup>United Nations, *Treaty Series*, vol. 374, p. 147.