

A. Treaties concerning the Intergovernmental Organizations related to the United Nations and the International Atomic Energy Agency¹

A. Traités concernant les organisations intergouvernementales reliées à l'Organisation des Nations Unies ainsi que l'Agence internationale de l'énergie atomique¹

1. CONVENTION² ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES. APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947³

Whereas the General Assembly of the United Nations adopted on 13 February 1946⁴ a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various specialized agencies; and

Whereas consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialized agencies;

Consequently, by resolution 179(II) adopted on 21 November 1947,⁵ the General Assembly has approved the following Convention, which is submitted to the specialized agencies for acceptance and to every Member of the United Nations and to every other State member of one or more of the specialized agencies for accession.

Article I

DEFINITIONS AND SCOPE

Section 1

In this Convention:

- (i) The words "standard clauses" refer to the provisions of articles II to IX.
- (ii) The words "specialized agencies" mean:
 - (a) The International Labour Organisation;

¹ The Interim Arrangement on Privileges and Immunities of the United Nations concluded between the Secretary-General of the United Nations and the Swiss Federal Council (see the previous volume of this *Series*, ST/LEG/SER. B/10, p. 196) is applied to the *Interim Commission for the International Trade Organization* by decision of the Swiss Federal Council on 20 May 1948 (Information received from the Executive Secretary of the Interim Commission for International Trade Organization and of the Contracting Parties to the General Agreement on Tariffs and Trade).

² United Nations, *Treaty Series*, vol. 33, p. 262.

³ Came into force on 2 December 1948, in accordance with section 44. For accessions, subsequent notifications, and declarations, see *infra*, appendices (a) and (b).

⁴ United Nations, document A/64, 1 July 1946.

⁵ United Nations, document A/519, 8 January 1948.

- (b) The Food and Agriculture Organization of the United Nations;
- (c) The United Nations Educational, Scientific and Cultural Organization;
- (d) The International Civil Aviation Organization;
- (e) The International Monetary Fund;
- (f) The International Bank for Reconstruction and Development;
- (g) The World Health Organization;
- (h) The Universal Postal Union;
- (i) The International Telecommunication Union; and
- (j) Any other agency in relationship with the United Nations in accordance with Articles 57 and 63 of the Charter.

(iii) The word "Convention" means, in relation to any particular specialized agency, the standard clauses as modified by the final (or revised) text of the annex transmitted by that agency in accordance with sections 36 and 38.

(iv) For the purposes of article III, the words "property and assets" shall also include property and funds administered by a specialized agency in furtherance of its constitutional functions.

(v) For the purposes of articles V and VII, the expression "representatives of members" shall be deemed to include all representatives; alternates, advisers, technical experts and secretaries of delegations.

(vi) In sections 13, 14, 15 and 25, the expression "meetings convened by a specialized agency" means meetings: (1) of its assembly and of its executive body (however designated), and (2) of any commission provided for in its constitution; (3) of any international conference convened by it; and (4) of any committee of any of these bodies.

(vii) The term "executive head" means the *principal executive official* of the specialized agency in question, whether designated "Director-General" or otherwise.

Section 2

Each State party to this Convention in respect of any specialized agency to which this Convention has become applicable in accordance with section 37 shall accord to, or in connexion with, that agency the privileges and immunities set forth in the standard clauses on the conditions specified therein, subject to any modification of those clauses contained in the provisions of the final (or revised) annex relating to that agency and transmitted in accordance with sections 36 or 38.

Article II

JURIDICAL PERSONALITY

Section 3

The specialized agencies shall possess juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, (c) to institute legal proceedings.

Article III

PROPERTY, FUNDS AND ASSETS

Section 4

The specialized agencies, their property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 5

The premises of the specialized agencies shall be inviolable. The property and assets of the specialized agencies, 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.

Section 6

The archives of the specialized agencies, and in general all documents belonging to them or held by them, shall be inviolable, wherever located.

Section 7

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

(a) The specialized agencies may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) The specialized agencies may freely transfer their funds, gold or currency from one country to another or within any country and convert any currency held by them into any other currency.

Section 8

Each specialized agency shall, in exercising its rights under section 7 above, pay due regard to any representations made by the Government of any State party to this Convention in so far as it is considered that effect can be given to such representations without detriment to the interests of the agency.

Section 9

The specialized agencies, their assets, income and other property shall be:

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

(b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the specialized agencies for their official use; it is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed to with the Government of that country;

(c) Exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications.

Section 10

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

Article IV

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 11

Each specialized agency shall enjoy, in the territory of each State party to this Convention in respect of that agency, for its official communications, treatment not less favourable than that accorded by the Government of such State to any other Government, including the latter's diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

Section 12

No censorship shall be applied to the official correspondence and other official communications of the specialized agencies.

The specialized agencies shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Convention and a specialized agency.

Article V

REPRESENTATIVES OF MEMBERS

Section 13

Representatives of members at meetings convened by a specialized agency shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;

(b) Inviolability for all papers and documents;

(c) The right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State which they are visiting or through which they are passing in the exercise of their functions;

(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 in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Section 14

In order to secure for the representatives of members of the specialized agencies at meeting convened by them complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 15

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of members of the specialized agencies at meetings convened by them are present in a member State for the discharge of their duties shall not be considered as periods of residence.

Section 16

Privileges and immunities are accorded to the representatives of members, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the specialized agencies. Consequently, a member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 17

The provisions of sections 13, 14 and 15 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

Article VI

OFFICIALS

Section 18

Each specialized agency will specify the categories of officials to which the provisions of this article and of article VIII shall apply. It shall communicate them to the Governments of all States parties to this Convention in respect of that agency and to the Secretary-General of the United Nations. The names of the officials included in these categories shall from time to time be made known to the above-mentioned Governments.

Section 19

Officials of the specialized agencies shall:

- (a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agencies and on the same conditions as are enjoyed by officials of the United Nations;
- (c) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

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

(e) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;

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

Section 20

The officials of the specialized agencies shall be exempt from national service obligations, provided that, in relation to the States of which they are nationals, such exemption shall be confined to officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the executive head of the specialized agency and approved by the State concerned.

Should other officials of specialized agencies be called up for national service, the State concerned shall, at the request of the specialized agency concerned, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Section 21

In addition to the immunities and privileges specified in sections 19 and 20, the executive head of each specialized agency, including any official acting on his behalf during his absence from duty, shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 22

Privileges and immunities are granted to officials in the interests of the specialized agencies only and not for the personal benefit of the individuals themselves. Each specialized agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialized agency.

Section 23

Each specialized agency shall co-operate at all times with the appropriate authorities of member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this article.

Article VII

ABUSES OF PRIVILEGE

Section 24

If any State party to this Convention considers that there has been an abuse of a privilege or immunity conferred by this Convention, consultations shall be held between that State and the specialized agency concerned to determine whether any such abuse has occurred and, if so, to attempt to

ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the specialized agency concerned, the question whether an abuse of a privilege or immunity has occurred shall be submitted to the International Court of Justice in accordance with section 32. If the International Court of Justice finds that such an abuse has occurred, the State party to this Convention affected by such abuse shall have the right, after notification to the specialized agency in question, to withhold from the specialized agency concerned the benefits of the privilege or immunity so abused.

Section 25

1. Representatives of members at meetings convened by specialized agencies, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 18, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country provided that:

2. (I) Representatives of members, or persons who are entitled to diplomatic immunity under section 21, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.

(II) In the case of an official to whom section 21 is not applicable, no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the executive head of the specialized agency concerned; and, if expulsion proceedings are taken against an official, the executive head of the specialized agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

Article VIII

LAISSEZ-PASSER

Section 26

Officials of the specialized agencies shall be entitled to use the United Nations *laissez-passer* in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies, to which agencies special powers to issue *laissez-passer* may be delegated. The Secretary-General of the United Nations shall notify each State party to this Convention of each administrative arrangements so concluded.¹

¹ The officials of the Specialized Agencies have the right to use the *laissez-passer* of the United Nations in accordance with the agreements between the United Nations and the Specialized Agencies. These agreements are to be found in the United Nations *Treaty Series*, vol. 68, p. 213 (ILO); vol. 21, p. 347 (ICAO); vol. 21, p. 338 (FAO); vol. 21, p. 341 (UNESCO); vol. 16, p. 346 (World Bank); vol. 16, p. 326 (International Monetary Fund); vol. 19, p. 194 (WHO); vol. 123, p. 246 (WMO); vol. 30, p. 316 (ITU); vol. 324, p. 273 (IMCO); vol. 43, p. 344 (UPU); vol. 265, p. 312 (IFC governed by World Bank Agreement). For IAEA, see the Agreement published in the United Nations *Treaty Series*, vol. 281, p. 370.

Section 27

States parties to this Convention shall recognize and accept the United Nations *laissez-passer* issued to officials of the specialized agencies as valid travel documents.

Section 28

Applications for visas, where required, from officials of specialized agencies holding United Nations *laissez-passer*, when accompanied by a certificate that they are travelling on the business of a specialized agency, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 29

Similar facilities to those specified in section 28 shall be accorded to experts and other persons who, though not the holders of United Nations *laissez-passer*, have a certificate that they are travelling on the business of a specialized agency.

Section 30

The executive heads, assistant executive heads, heads of departments and other officials of a rank not lower than head of department of the specialized agencies, travelling on United Nations *laissez-passer* on the business of the specialized agencies, shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

Article IX

SETTLEMENT OF DISPUTES

Section 31

Each specialized agency shall make provision for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other disputes of private character to which the specialized agency is a party;

(b) Disputes involving any official of a specialized agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of section 22.

Section 32

All differences arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between one of the specialized agencies on the one hand, and a member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court and the relevant provisions of the agreements concluded between the United Nations and the specialized agency concerned. The opinion given by the Court shall be accepted as decisive by the parties.

Article X

ANNEXES AND APPLICATION TO INDIVIDUAL SPECIALIZED AGENCIES

Section 33

In their application to each specialized agency, the standard clauses shall operate subject to any modifications set forth in the final (or revised) text of the annex relating to that agency, as provided in sections 36 and 38.

Section 34

The provisions of the Convention in relation to any specialized agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instrument.

Section 35

Draft annexes 1 to 9 are recommended to the specialized agencies named therein. In the case of any specialized agency not mentioned by name in section 1, the Secretary-General of the United Nations shall transmit to the agency a draft annex recommended by the Economic and Social Council.

Section 36

The final text of each annex shall be that approved by the specialized agency in question in accordance with its constitutional procedure. A copy of the annex as approved by each specialized agency shall be transmitted by the agency in question to the Secretary-General of the United Nations and shall thereupon replace the draft referred to in section 35.

Section 37

The present Convention becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex, and undertakes to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of section 32 which may be found necessary in order to make the final text of the annex consonant with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency. The Secretary-General shall communicate to all Members of the United Nations and to other States members of the specialized agencies certified copies of all annexes transmitted to him under this section and of revised annexes transmitted under section 38.

Section 38

If, after the transmission of a final annex under section 36, any specialized agency approves any amendments thereto in accordance with its constitutional procedure, a revised annex shall be transmitted by it to the Secretary-General of the United Nations.

Section 39

The provisions of this Convention shall in no way limit or prejudice the privileges and immunities which have been, or may hereafter be, accorded by any State to any specialized agency by reason of the location in the territory of that State of its headquarters or regional offices. This Convention shall not be deemed to prevent the conclusion between any State party

thereto and any specialized agency of supplemental agreements adjusting the provisions of this Convention or extending or curtailing the privileges and immunities thereby granted.

Section 40

It is understood that the standard clauses, as modified by the final text of an annex sent by a specialized agency to the Secretary-General of the United Nations under section 36 (or any revised annex sent under section 38), will be consistent with the provisions of the constitutional instrument then in force of the agency in question, and that if any amendment to that instrument is necessary for the purpose of making the constitutional instrument so consistent, such amendment will have been brought into force in accordance with the constitutional procedure of that agency before the final (or revised) annex is transmitted.

The Convention shall not itself operate so as to abrogate, or derogate from, any provisions of the constitutional instrument of any specialized agency or any rights or obligations which the agency may otherwise have, acquire, or assume.

Article XI

FINAL PROVISIONS

Section 41

Accession to this Convention by a Member of the United Nations and (subject to section 42) by any State member of a specialized agency shall be effected by deposit with the Secretary-General of the United Nations of an instrument of accession which shall take effect on the date of its deposit.

Section 42

Each specialized agency concerned shall communicate the text of this Convention together with the relevant annexes to those of its members which are not Members of the United Nations and shall invite them to accede thereto in respect of that agency by depositing an instrument of accession to this Convention in respect thereof either with the Secretary-General of the United Nations or with the executive head of the specialized agency.

Section 43

Each State party to this Convention shall indicate in its instrument of accession the specialized agency or agencies in respect of which it undertakes to apply the provisions of this Convention. Each State party to this Convention may by a subsequent written notification to the Secretary-General of the United Nations undertake to apply the provisions of this Convention to one or more further specialized agencies. This notification shall take effect on the date of its receipt by the Secretary-General.

Section 44

This Convention shall enter into force for each State party to this Convention in respect of a specialized agency when it has become applicable to that agency in accordance with section 37 and the State party has undertaken to apply the provisions of the Convention to that agency in accordance with section 43.

Section 45

The Secretary-General of the United Nations shall inform all Members of the United Nations, as well as all members of the specialized agencies, and executive heads of the specialized agencies, of the deposit of each instrument of accession received under section 41 and of subsequent notifications received under section 43. The executive head of a specialized agency shall inform the Secretary-General of the United Nations and the members of the agency concerned of the deposit of any instrument of accession deposited with him under section 42.

Section 46

It is understood that, when an instrument of accession or a subsequent notification is deposited on behalf of any State, this State will be in a position under its own law to give effect to the terms of this Convention, as modified by the final texts of any annexes relating to the agencies covered by such accessions or notifications.

Section 47

1. Subject to the provisions of paragraphs 2 and 3 of this section, each State party to this Convention undertakes to apply this Convention in respect of each specialized agency covered by its accession or subsequent notification, until such time as a revised convention or annex shall have become applicable to that agency and the said State shall have accepted the revised convention or annex. In the case of a revised annex, the acceptance of States shall be by a notification addressed to the Secretary-General of the United Nations, which shall take effect on the date of its receipt by the Secretary-General.

2. Each State party to this Convention, however, which is not, or has ceased to be, a member of a specialized agency, may address a written notification to the Secretary-General of the United Nations and the executive head of the agency concerned to the effect that it intends to withhold from that agency the benefits of this Convention as from a specified date, which shall not be earlier than three months from the date of receipt of the notification.

3. Each State party to this Convention may withhold the benefit of this Convention from any specialized agency which ceases to be in relationship with the United Nations.

4. The Secretary-General of the United Nations shall inform all member States parties to this Convention of any notification transmitted to him under the provisions of this section.

Section 48

At the request of one-third of the States parties to this Convention, the Secretary-General of the United Nations will convene a conference with a view to its revision.

Section 49

The Secretary-General of the United Nations shall transmit copies of this Convention to each specialized agency and to the Government of each Member of the United Nations.

ANNEXES¹

ANNEX I

INTERNATIONAL LABOUR ORGANISATION

In their application to the International Labour Organisation the standard clauses shall operate subject to the following provisions:

1. Article V (other than paragraph (c) of section 13) and section 25, paragraphs 1 and 2 (a), of Article VII shall extend to the employers' and workers' members and deputy members of the Governing Body of the International Labour Office and their substitutes; except that any waiver of the immunity of any such person member under section 16 shall be by the Governing Body.

2. The privileges, immunities, exemptions and facilities referred to in Section 21 of the standard clauses shall also be accorded to any Deputy Director-General of the International Labour Office and any Assistant Director-General of the International Labour Office.

3. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organisation shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions:

(a) Immunity from personal arrest or seizure of their personal baggage;

¹ The draft annexes recommended by the General Assembly or the Economic and Social Council, referred to in section 35, are subject to approval by the respective specialized agencies in accordance with their constitutional procedures.

In pursuance of section 36 of the convention, each of these annexes, in the form approved by the specialized agency concerned, transmitted to the Secretary-General of the United Nations, replaces the recommended draft and becomes the final text of the annex relating to this agency. Accordingly, the annexes reproduced herein are not the draft annexes but their final texts as approved by the specialized agencies and transmitted to the Secretary-General.

Following is the list of specialized agencies which, in accordance with section 37, have transmitted to the Secretary-General of the United Nations the final texts of their relevant annexes and have informed him that they accept the standard clauses, as modified by these annexes and undertake to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 and any provisions of the annexes placing obligations on the agencies:

<i>Specialized agencies</i>	<i>Date of receipt of the final text of annexes</i>	
World Health Organization	2 August	1948
International Civil Aviation Organization	11 August	1948
International Labour Organisation	14 September	1948
Food and Agriculture Organization of the United Nations	13 December	1948
United Nations Educational, Scientific and Cultural Organization	7 February	1949
International Refugee Organization	4 April	1949
International Bank for Reconstruction and Development	29 April	1949
International Monetary Fund	9 May	1949
Universal Postal Union	11 July	1949
International Telecommunication Union	16 January	1951
World Meteorological Organization	29 December	1951
Inter-governmental Maritime Consultative Organization	12 February	1959
International Finance Corporation	22 April	1959

(b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity of legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organisation;

(c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;

(d) Inviolability of their papers and documents relating to the work on which they are engaged for the Organisation.

(ii) In connection with (d) of 3 (i) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.

(iii) Privileges and immunities are granted to the experts of the Organisation in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Organisation shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organisation.

ANNEX II (REVISED)^{1 2}

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

In their application to the Food and Agriculture Organization of the United Nations (hereinafter called "the Organization") the standard clauses shall operate subject to the following provisions:

1. Article V and section 25, paragraphs 1 and 2 (I) of article VII shall extend to the Chairman of the Council of the Organization and to the representatives of Associate Members, except that any waiver of the immunity of the Chairman under section 16 shall be by the Council of the Organization.

2. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions:

(a) Immunity from personal arrest or seizure of their personal baggage;

(b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity of legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;

¹ Transmitted by the Director-General of the FAO and received by the Secretary-General on 26 May 1960.

² This revised text of annex II is identical with the initial text (United Nations, *Treaty Series*, vol. 33, p. 262), except that, in paragraph 1, the words "and to the representatives of Associate Members" have been added, and, in paragraph 2 (i) (d), the following words have also been added: "and, for the purpose of their communications with the Organization, the right to use codes and to receive papers or correspondence by courier or in sealed bags."

(c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;

(d) Inviolability of their papers and documents relating to the work on which they are engaged for the Organization and, for the purpose of their communications with the Organization, the right to use codes and to receive papers or correspondence by courier or in sealed bags.

(ii) In connection with (d) of 2 (i) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.

(iii) Privileges and immunities are granted to the experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any experts in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

3. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to the Deputy Director-General of the Organization.

ANNEX III

INTERNATIONAL CIVIL AVIATION ORGANIZATION

The standard clauses shall operate in respect to the International Civil Aviation Organization (hereinafter called "the Organization") subject to the following provisions:

1. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to the President of the Council of the Organization.

2. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

(a) Immunity from personal arrest or seizure of their personal baggage;

(b) Immunity from legal process of every kind in respect of words spoken or written or acts done by them in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;

(c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;

(d) Inviolability of their papers and documents relating to the work on which they are engaged for the Organization.

(ii) In connexion with (d) of 2 above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.

(iii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and

the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

ANNEX IV

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

The standard clauses shall operate in respect to the United Nations Educational, Scientific and Cultural Organization (hereinafter called "the Organization") subject to the following provisions:

1. Article V and section 25, paragraphs 1 and 2 (I) of article VII shall extend to the President of the Conference and members of the Executive Board of the Organization, their substitutes and advisers except that any waiver of the immunity of any such person of the Executive Board under section 16, shall be by the Executive Board.

2. The Deputy Director-General of the Organization, his spouse and minor children shall also enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law, which article VI, section 21, of the convention ensures to the executive head of each specialized agency.

3. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

(a) Immunity from personal arrest or seizure of their personal baggage;

(b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity of legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;

(c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions.

(ii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

ANNEX V

INTERNATIONAL MONETARY FUND

In its application to the International Monetary Fund (hereinafter called "the Fund"), the convention (including this annex) shall operate subject to the following provisions:

1. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Fund solely from this convention and are not included in those which it can claim under its Articles of Agreement or otherwise.

2. The provisions of the convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Fund or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Fund or any of its members, Governors, Executive Directors, alternates, officers or employees by the Articles of Agreement of the Fund, or by any statute, law or regulation of any member of the Fund or any political subdivision of any such member, or otherwise.

ANNEX VI

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

In its application to the International Bank for Reconstruction and Development (hereinafter called the Bank), the convention (including this annex) shall operate subject to the following provisions:

1. The following shall be substituted for section 4:

“Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member of the Bank in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.”

2. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Bank solely from this convention and are not included in those which it can claim under its Articles of Agreement or otherwise.

3. The provisions of the convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Bank or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Bank or any of its members, Governors, Executive Directors, alternates, officers or employees by the Articles of Agreement of the Bank or by any statute, law or regulation of any member of the Bank or any political subdivision of any such member, or otherwise.

REVISED ANNEX VII^{1 2 3}
ADOPTED BY THE ELEVENTH WORLD HEALTH ASSEMBLY

ANNEX VII

THE WORLD HEALTH ORGANIZATION

In their application to the World Health Organization (hereinafter called "the Organization") the standard clauses shall operate subject to the following modifications:

1. Article V and Section 25, paragraphs 1 and 2 (I), of Article VII shall extend to persons designated to serve on the Executive Board of the Organization, their alternates and advisers, except that any waiver of the immunity of any such persons under Section 16 shall be by the Board.

2. (i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

(a) Immunity from personal arrest or seizure of their personal baggage;

(b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;

(c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions;

(d) Inviolability for all papers and documents;

(e) For the purpose of their communications with the Organization, the right to use codes and to receive papers or correspondence by courier or in sealed bags.

(ii) The privileges and immunities set forth in paragraphs (b) and (e) above shall be accorded to persons serving on Expert Advisory Panels of the Organization in the exercise of their functions as such.

(iii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the

¹ United Nations, *Treaty Series*, vol. 314, p. 308.

² The text of this revised annex VII, transmitted by the World Health Organization to the Secretary-General of the United Nations in accordance with section 38 of the Convention, was received on 25 July 1958. Pursuant to section 47 (1) of the Convention, the revised annex VII became effective as between the World Health Organization and Ghana on 27 October 1958, the date on which the notification of acceptance by the Government of Ghana was received by the Secretary-General of the United Nations.

³ This is the third revised text of Annex VII. It is identical with the initial text (United Nations, *Treaty Series*, vol. 33, p. 300), except paragraph 2 (e) (ii), and paragraphs 3 and 4 which have been added. It is also identical with the first revised text (*ibid.*, vol. 71, p. 318), except paragraph 4 which is new, and with the second revised text (*ibid.*, vol. 275, p. 298), except in paragraph 4 the words "Assistant Director-General and Regional Director" have been added.

right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization.

3. Article V and Section 25, paragraphs 1 and 2 (I), of Article VII shall extend to the representatives of Associate Members participating in the work of the Organization in accordance with Articles 8 and 47 of the Constitution.

4. The privileges, immunities, exemptions and facilities referred to in Section 21 of the standard clauses shall also be accorded to any Deputy Director-General, Assistant Director-General and Regional Director of the Organization.

ANNEX VIII

UNIVERSAL POSTAL UNION

The standard clauses shall apply without modification.

FINAL TEXT OF ANNEX IX^{1 2}

INTERNATIONAL TELECOMMUNICATION UNION

The standard clauses shall apply without modification, except that the International Telecommunication Union shall not claim for itself the enjoyment of privileged treatment with regard to the "Facilities in respect of communications" provided in article IV, section 11.

ANNEX X

INTERNATIONAL REFUGEE ORGANIZATION

The standard clauses shall apply without modification.

FINAL TEXT OF ANNEX XI. ADOPTED BY THE FIRST CONGRESS OF THE WORLD METEOROLOGICAL ORGANIZATION HELD IN PARIS IN MARCH-APRIL 1951³

WORLD METEOROLOGICAL ORGANIZATION

The standard clauses shall apply without modification.

Received by the Secretary-General of the United Nations on 29 December 1951.

¹ United Nations, *Treaty Series*, vol. 79, p. 326.

² At its fifth session, in September-October 1950, annex IX, reproduced above, was adopted by the Administrative Council of the International Telecommunication Union, which has also undertaken, in accordance with section 37 of the Convention on the Privileges and Immunities of the Specialized Agencies, to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 of this Convention. In accordance with section 36 of the Convention on the Privileges and Immunities of the Specialized Agencies, the text of this annex was transmitted by the Secretary-General of the International Telecommunication Union to the Secretary-General of the United Nations and was received on 16 January 1951.

³ United Nations, *Treaty Series*, vol. 117, p. 386.

ANNEX XII

INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION¹

1. The privileges and immunities, exemptions and facilities referred to in Article VI, Section 21 of the standard clauses, shall be accorded to the Secretary-General of the Organization and to the Secretary of the Maritime Safety Committee, provided that the provisions of this paragraph shall not require the Member in whose territory the Organization has its Headquarters to apply Article VI, Section 21 of the standard clauses to any person who is its national.

2. (a) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including time spent on journeys in connexion with service on such committees or missions:

- (i) Immunity from personal arrest or seizure of their personal baggage;
- (ii) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for the Organization;
- (iii) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions;
- (iv) Inviolability for all papers and documents relating to the work on which they are engaged for the Organization;
- (v) The right to use codes and to receive documents and correspondence by courier or in sealed dispatch bags for their communications with the Inter-Governmental Maritime Consultative Organization.

In connexion with Section 2 (a) (iv) and (v) above the principle contained in the last sentence of Section 12 of the standard clauses shall be applicable.

(b) Privileges and immunities are granted to such experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and duty to waive the immunity of any expert in any case where, in its opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization.

ANNEX XIII

INTERNATIONAL FINANCE CORPORATION²

In its application to the International Finance Corporation (hereinafter called "The Corporation") the Convention (including this annex) shall operate subject to the following provisions:

1. The following shall be substituted for Section 4:

"Actions may be brought against the Corporation only in a court of competent jurisdiction in the territories of a member in which the Cor-

¹ United Nations, *Treaty Series*, vol. 323.

² United Nations, *Treaty Series*, vol. 323.

poration has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Corporation shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Corporation.”

2. Paragraph (b) of Section 7 of the standard clauses shall apply to the Corporation subject to Article III, Section 5 of the Articles of Agreement of the Corporation.

3. The Corporation in its discretion may waive any of the privileges and immunities conferred under Article VI of its Articles of Agreement to such extent and upon such conditions as it may determine.

4. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Corporation from this Convention and are not included in those which it can claim under its Articles of Agreement or otherwise.

5. The provisions of the Convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Corporation or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Corporation or any of its members, Governors, Executive Directors, Alternates, officers and employees by the Articles of Agreement of the Corporation, or by any statute, law or regulation of any member of the Corporation or any political subdivision of any such member, or otherwise.

APPENDIX

1. Accessions or subsequent notifications

<i>State</i>	<i>Date of receipt of instrument of accession or of subsequent notification</i>	<i>Specialized agencies in respect of which, in the instrument of accession or in subsequent notification, States have undertaken to apply the provisions of the Convention</i>
Austria:		
Accession . . .	21 July 1950	ILO, FAO, ICAO, UNESCO, WHO, FUND, BANK, UPU, IRO
Notification . .	28 March 1951	ITU
Notification . .	21 January 1955	WMO, WHO—Revised text of annex VII
Notification . .	1 November 1957	WHO—Second revised text of annex VII
Notification . .	28 October 1958	WHO—Third revised text of annex VII
Notification . .	10 November 1959	IFC
Cambodia:		
Accession . . .	15 October 1953	UPU
Notification . .	26 September 1955	FAO, ICAO, UNESCO, WHO, ITU, WMO
Chile:		
Accession . . .	21 September 1951	ILO, FAO, ICAO, WHO, FUND, BANK, ITU, UPU

<i>State</i>	<i>Date of receipt of instrument of accession or of subsequent notification</i>		<i>Specialized agencies in respect of which, in the instrument of accession or in subsequent notification, States have undertaken to apply the provisions of the Convention</i>
Denmark:			
Accession . . .	25 January	1950	ILO, FAO, ICAO, WHO, FUND, BANK, UNESCO, UPU
Notification . . .	5 April	1950	IRO
Notification . . .	22 May	1951	WHO — Revised text of annex VII
Notification . . .	19 July	1951	ITU
Notification . . .	10 March	1953	WMO
Notification . . .	14 October	1957	WHO — Second revised text of annex VII
Notification . . .	8 January	1959	WHO — Third revised text of annex VII
Notification . . .	20 May	1960	IMCO
Ecuador:			
Accession . . .	8 June	1951	ILO
Notification . . .	7 July	1953	FAO, UNESCO, ICAO, WHO, FUND, BANK, ITU
Notification . . .	14 July	1954	WMO
Notification . . .	12 December	1958	UPU
Notification . . .	2 August	1960	FAO—Revised text of annex II
Federal Republic of Germany:^{1 2}			
Accession . . .	10 October	1957	ILO, FAO, UNESCO, FUND, BANK, WHO, ITU, WMO
Notification . . .	10 October	1957	ICAO
Notification . . .	19 May	1958	UPU
Notification . . .	5 September	1958	WHO—Second revised text of annex VII
Notification . . .	11 February	1959	WHO—Third revised text of annex VII
Finland:			
Accession . . .	31 July	1958	ILO, FAO, ICAO, UNESCO, FUND, BANK, WHO, UPU, ITU, WMO
Notification . . .	2 December	1958	WHO—Third revised text of annex VII
Notification . . .	8 June	1959	IMCO
Notification . . .	27 July	1959	IFC
Notification . . .	8 September	1960	FAO—Revised text of annex II

¹ Applicable to Land Berlin (notification made on accession).

² By a communication received on 10 October 1957, the Government of the Federal Republic of Germany declared that the Convention will also apply to the Saar Territory except that section 7 (b) of the Convention shall not take effect with regard to the Saar Territory until the expiration of the interim period defined in article 3 of the Treaty of 27 October 1956 between France and the Federal Republic of Germany.

<i>State</i>	<i>Date of receipt of instrument of accession or of subsequent notification</i>	<i>Specialized agencies in respect of which, in the instrument of accession or in subsequent notification, States have undertaken to apply the provisions of the Convention</i>
Ghana:		
Accession	9 September 1958	WHO—Second revised text of annex VII. ICAO, ILO, FAO, UNESCO, BANK, FUND, UPU, ITU, WMO
Notification	27 October 1958	WHO—Third revised text of annex VII
Notification	16 September 1960	FAO—Revised text of annex II
Guatemala:		
Accession	30 June 1951	ILO, FAO, ICAO, UNESCO, WHO, FUND, BANK, UPU, IRO, ITU
Notification	4 October 1954	WMO
Guinea:		
Accession	1 July 1959	WMO
Haiti		
Accession	16 April 1952	ILO, FAO, UNESCO, ICAO, FUND, BANK, WHO, UPU, ITU
Notification	16 April 1952	WMO
Notification	5 August 1959	IMCO
Hashemite Kingdom of Jordan:		
Accession	12 December 1950	UPU, FAO, UNESCO, ICAO, WHO
Notification	24 March 1951	ITU
Notification	10 December 1957	WMO
Notification	11 August 1960	FAO — Revised text of annex II
India:		
Accession	10 February 1949	WHO, ICAO, ILO, FAO, UNESCO
Notification	19 October 1949	FUND, BANK, UPU
Notification	9 March 1955	WMO
Notification	3 June 1955	ITU, WHO—Revised text of annex VII
Notification	3 July 1958	WHO—Second revised text of annex VII
Iraq:		
Accession	9 July 1954	ILO, FAO, UNESCO, WHO, UPU, ITU, FUND, BANK, ICAO, WMO
Laos:		
Accession	9 August 1960	ILO, FAO, UNESCO, ICAO, FUND, BANK, WHO, UPU, ITU, WMO, IMCO, IFC

<i>State</i>	<i>Date of receipt of instrument of accession or of subsequent notification</i>	<i>Specialized agencies in respect of which, in the instrument of accession or in subsequent notification, States have undertaken to apply the provisions of the Convention</i>
Lybia:		
Accession	30 April 1958	ILO, UNESCO, FAO, WMO, ITU, ICAO, BANK, FUND, WHO—Second revised text of annex VII
Luxembourg:		
Accession	20 September 1950	ILO, FAO, ICAO, UNESCO, WHO, FUND, BANK, UPU, IRO
Notification . . .	27 March 1951	ITU
Notification . . .	22 August 1952	WMO
Morocco:		
Accession	28 April 1958	WMO, ICAO
Notification . . .	10 June 1958	ILO, ITU, FAO, UNESCO, WHO
Notification . . .	13 August 1958	UPU
Nepal:¹		
Accession	23 February 1954	WHO
Netherlands:		
Accession	2 December 1948	ICAO, WHO
Notification . . .	2 December 1948	ILO
Notification . . .	21 July 1949	FAO, UNESCO, FUND, BANK, IRO
Notification . . .	15 February 1951	WHO—Revised text of annex VII
Notification . . .	15 June 1951	ITU
Notification . . .	14 May 1952	UPU
Notification . . .	5 January 1954	WMO
Nicaragua:		
Accession	6 April 1959	ILO, FAO, ICAO, UNESCO, FUND, BANK, WHO, UPU, ITU, WMO
Norway:		
Accession	25 January 1950	WHO, ILO, FAO, UNESCO, ICAO, IRO, FUND, BANK, UPU
Notification . . .	14 September 1950	WHO—Revised text of annex VII
Notification . . .	20 September 1951	ITU
Notification . . .	22 November 1955	WMO
Notification . . .	11 September 1957	WHO—Second revised text of annex VII
Pakistan:		
Accession	23 July 1951	BANK
Notification . . .	7 November 1951	FUND

¹ The instrument of accession was deposited with the Director-General of the World Health Organization.

<i>State</i>	<i>Date of receipt of instrument of accession or of subsequent notification</i>	<i>Specialized agencies in respect of which, in the instrument of accession or in subsequent notification, States have undertaken to apply the provisions of the Convention</i>
Philippines:		
Accession	20 March 1950	WHO, FAO, UNESCO, ICAO, BANK, FUND, ILO
Notification . . .	21 May 1958	WMO
Notification . . .	12 March 1959	WHO—Third revised text of annex VII
Sweden:		
Accession	12 September 1951	ILO, FAO, ICAO, UNESCO, WHO, UPU, ITU
Notification . . .	12 September 1951	BANK, FUND
Notification . . .	31 July 1953	WMO
Notification . . .	22 August 1957	WHO—Second revised text of annex VII
Notification . . .	1 February 1960	IMCO
Notification . . .	3 September 1960	IFC
Notification . . .	28 September 1960	FAO — Revised text of annex II
Thailand:		
Accession	30 March 1956	FAO, ICAO
Togo:		
Accession	15 July 1960	WHO
Tunisia:		
Accession	3 December 1957	ILO, FAO, UNESCO, ICAO, FUND, BANK, WHO, UPU, ITU, WMO
Notification . . .	19 May 1958	WHO—Second revised text of annex VII
United Arab Republic:¹		
Egypt:		
Accession	28 September 1954	FAO, WHO, UNESCO, ICAO, BANK, FUND, ILO, UPU
Notification . . .	1 June 1955	WMO
Notification . . .	3 February 1958	WHO—Second revised text of annex VII

¹ By a note dated 1 March 1958, the Minister for Foreign Affairs of the United Arab Republic informed the Secretary-General that "It is to be noted that the Government of the United Arab Republic declares that the Union henceforth is a single Member of the United Nations, bound by the provisions of the Charter and that all international treaties and agreements concluded by Egypt or Syria with other countries will remain valid within the regional limits prescribed on their conclusion and in accordance with the principles of international law."

<i>State</i>	<i>Date of receipt of instrument of accession or of subsequent notification</i>	<i>Specialized agencies in respect of which, in the instrument of accession or in subsequent notification, States have undertaken to apply the provisions of the Convention</i>
United Kingdom of Great Britain and Northern Ireland:		
Accession	16 August 1949	WHO, ICAO, ILO, FAO, UNESCO, IRO
Notification	17 December 1954	UPU, WMO, ITU
Notification	22 September 1955	WHO—Revised text of annex VII
Notification	30 September 1957	WHO—Second revised text of annex VII
Notification	4 November 1959	IMCO
Yugoslavia:		
Accession	23 November 1951	ILO, FAO, UNESCO, WHO, UPU, ITU, FUND, BANK
Notification	5 March 1952	WMO
Notification	16 March 1959	WHO—Second revised text of annex VII
Notification	14 April 1960	WHO—Third revised text of annex VII

2. *Declarations*

FEDERAL REPUBLIC OF GERMANY

(on accession)

“The Government of the Federal Republic of Germany takes the liberty of calling attention to the fact that the provisions of Section 11 of Article IV of the Convention, to the effect that the Specialized Agencies shall enjoy, in the territory of each State party to this Convention, for their official communications, treatment not less favourable than that accorded by the Government of such State to any other Government in the matter of priorities, rates and other taxes, cannot be fully complied with by any Government. Reference is made to the provisions of Article 37 and of Annex 3 of the International Telecommunications Convention concluded at Buenos Aires in 1952, as well as to the Resolutions Nos. 27 and 28 appended to that Convention.”

NORWAY

(extension to ITU)

“I have further been instructed to inform you that the Norwegian Government is of the opinion that it is impossible for any government to comply fully with Section 11 of the said Convention, which requires that the specialized agencies shall enjoy, in the territory of each state party to the Convention, for their official communications, treatment no less

favourable than that accorded by the Government of such State to any other Government in the matter of priorities, rates and taxes on telecommunications as long as all governments have not agreed to grant to the agency in question the treatment specified in this Section."

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

(on accession)

" I have to invite your attention to the fact that it is not possible for any Government fully to comply with the requirements of Section 11 of that Convention in so far as it requires the Specialized Agency to enjoy in the territory of a state party to the Convention treatment not less favourable than that accorded by the Government of that State to any other Government in the matter of priorities and rates on telecommunications, unless and until all other Governments collaborate in according this treatment to the Agency in question. It is understood that this matter is being discussed in the International Telecommunication Union."

(extension to UPU, WMO and ITU)

" With regard to the Universal Postal Union and the World Meteorological Organization, I have the honour to draw attention to the fact that no government can fully comply with Section 11 of this Convention which requires that the specialized agencies shall enjoy, in the territory of each party to the Convention, for their official communications, treatment not less favourable than that accorded by the Government of such a State to any other Government in the matter of priorities, rates and taxes on telecommunications so long as all the other governments have not decided to co-operate in granting this treatment to the agencies in question. This matter is under consideration by the United Nations and the International Telecommunication Union.

" The final text of the annex to the Convention approved by the International Telecommunication Union and transmitted by the Union to the Secretary-General of the United Nations in accordance with Section 36 of the Convention contains a statement that the Union would not claim for itself the enjoyment of privileged treatment with regard to the facilities in respect of communications provided in Section 11 of the Convention."

(extension to IMCO)

" Her Majesty's Government observe that it would be impracticable for any Government fully to comply with Section 11 of the Convention which requires that the Specialized Agencies shall enjoy, in the territory of each State party to the Convention, for their official communications, treatment not less favourable than that accorded by the Government of such State to any other Government in the matter of priorities, rates and taxes on telecommunications, until such time as all the other Governments have decided to co-operate in granting this treatment to the agencies in question. This matter is under consideration by the United Nations and the International Telecommunication Union."

2. CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION^{1 2}

Article 39

The International Labour Organisation shall possess full juridical personality and in particular the capacity —

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

Article 40

1. The International Labour Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Delegates to the Conference, members of the Governing Body and the Director-General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation.

3. Such privileges and immunities shall be defined in a separate agreement to be prepared by the Organisation with a view to its acceptance by the Members.

3. *MODUS VIVENDI* DE 1921³ RELATIF AU RÉGIME DES IMMUNITÉS DIPLOMATIQUES DU PERSONNEL DE LA SOCIÉTÉ DES NATIONS ET DU BUREAU INTERNATIONAL DU TRAVAIL⁴

Département politique fédéral
Division des affaires étrangères

A l'honorable sir Eric DRUMMOND,
Secrétaire général de la Société des Nations,
Genève.

Berne, le 19 juillet 1921

Monsieur le Secrétaire général,

Le Gouvernement fédéral suisse a eu une satisfaction particulière à constater qu'à la suite des conférences tenues, à Genève et à Berne, il y a

¹ Amended text (9 October 1946). United Nations, *Treaty Series*, vol. 15, p. 40.

² States members of the International Labour Organisation (up to 1 January 1960): Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany (Fed. Rep.), Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Libya, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Spain, Sweden, Switzerland, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States, Uruguay, Venezuela, Viet-Nam (Rep. of), Yugoslavia.

³ Martin Hill, *Immunities and Privileges of International Officials*, Washington, Carnegie Endowment for International Peace, 1947; p. 129-137.

⁴ Voir l'article 20 de l'accord entre le Conseil fédéral suisse et l'OIT (*infra*) dans cet article, référence est faite à ce *modus vivendi* ainsi qu'à celui de 1926 dont le texte est reproduit plus bas.

quelques mois, et des correspondances ultérieurement échangées, les vues du Secrétaire général de la Société des Nations, concernant la mise en application de l'article VII, 4^e alinéa, du Pacte, concordaient aujourd'hui, sur un grand nombre de points, avec sa propre manière de voir.

S'inspirant du résultat de nos pourparlers, le Conseil fédéral nous a chargés et nous avons l'honneur de vous faire part des propositions suivantes, qui ont trait aux questions au sujet desquelles l'accord s'est établi. Ces propositions pourraient constituer la base d'un premier *modus vivendi* provisoire de la Société des Nations à Genève; ce règlement partiel, constamment révisable à la demande de l'une ou de l'autre des Parties, serait facile à compléter dans la suite, à mesure que les points demeurés encore en suspens auront été réglés.

Voici les propositions dont il s'agit :

I. *Personnel*

Le personnel du Secrétariat général de la Société des Nations et du Bureau international du Travail bénéficiera des mêmes prérogatives et immunités que celles reconnues par le droit international et par la pratique au personnel des missions diplomatiques; il sera, conséquemment, soumis à un régime analogue, *mutatis mutandis* à celui appliqué aux membres des missions diplomatiques accréditées auprès de la Confédération. Ce régime comporte la division du personnel en deux catégories distinctes, dont la situation diffère.

Le personnel de première catégorie (à Berne, le corps diplomatique et les chefs de chancellerie), comprendra, à Genève, les membres du personnel qui, par leur rang et leurs attributions, correspondent à des fonctionnaires publics. Ce personnel, dit « personnel extraterritorial » sera, par assimilation avec le corps diplomatique à Berne, admis au bénéfice des prérogatives et immunités que la pratique synthétise sous le nom d'« extraterritorialité » et qui sont les suivantes :

A. — L'inviolabilité, dans l'acceptation technique que le droit international donne à ce mot.

B. — L'extraterritorialité, au sens précis et restreint de ce terme, soit la présomption en vertu de laquelle celui qui y a droit est censé conserver son domicile dans son pays d'origine.

C. — L'immunité de juridiction civile et criminelle, telle qu'on l'entend en droit international.

En application, par analogie, de la coutume qui confère aux Gouvernements le droit de demander, en tout temps, le rappel d'un diplomate dont l'attitude ou la conduite auraient laissé à désirer, le Secrétaire général de la Société des Nations et le Directeur du Bureau international du Travail, lorsque le Gouvernement fédéral leur aura signalé des cas semblables, les soumettront à un examen attentif et prendront à l'égard du fonctionnaire en cause des sanctions administratives qui iront éventuellement jusqu'au licenciement. Cette procédure sera, cela va de soi, sans préjudice, des poursuites judiciaires à ouvrir en cas d'infraction. L'action judiciaire (sauf les exceptions prévues par le droit international) appartiendra aux organes du pays d'origine de l'intéressé. Si toutefois le Secrétariat général ou le Bureau international du Travail reconçaient à l'immunité couvrant leur fonctionnaire, les tribunaux suisses, l'obstacle de l'extraterritorialité étant levé, pourraient alors être saisis en application normale de leur procédure.

Particulièrement dans les cas graves, la renonciation à l'immunité serait très désirable.

En matière civile également, si le fonctionnaire renonçait à se prévaloir de son exterritorialité, les tribunaux suisses retrouveraient leur compétence en tant que tribunaux du for du domicile de fait.

D. — L'immunité fiscale, soit l'exonération des impôts directs personnels et des taxes somptuaires, des impôts généraux sur la fortune, soit sur le capital, soit sur le revenu et des décimes de guerre.

E. — En matière de douane:

1°) Par application de la décision prise à ce sujet par le Conseil fédéral, le 5 de ce mois, les hauts fonctionnaires de la Société des Nations suivants, pour autant qu'ils ne sont pas citoyens suisses, bénéficieront de la franchise de douane pour tous les objets destinés à leur usage personnel:

- a) Le Secrétaire général de la Société des Nations et son adjoint, les deux Sous-Secrétaires généraux et les huit Directeurs du Secrétariat général;
- b) Le Directeur et le Sous-Directeur du Bureau international du Travail, les deux chefs de Division de ce bureau.

Ces fonctionnaires seront, en outre, à l'égal des représentants diplomatiques à Berne, dispensés, en principe, de la visite douanière de leurs bagages.

2°) Le reste du personnel de première catégorie jouira des mêmes avantages que ceux accordés à l'ensemble du corps diplomatique à Berne par l'arrêté du Conseil fédéral du 8 octobre 1912 (entrée en franchise des effets neufs de première installation, etc.); la visite en douane des bagages de ce personnel sera, comme à l'égard du corps diplomatique, réduite au strict minimum.

F. — Le personnel de première catégorie aura droit au visa diplomatique de ses passeports. Ce visa, délivré par la Division des affaires étrangères du Département politique fédéral, est, soit simple, c'est-à-dire valable pour un seul voyage aller et retour, soit, sur demande, permanent, c'est-à-dire valable pour un nombre indéterminé de voyages aller et retour par toutes frontières, avec durée de validité pouvant aller jusqu'à un an. Le visa diplomatique peut également être obtenu auprès d'une légation de Suisse à l'étranger.

G. — La femme et les enfants des fonctionnaires de la première catégorie partageront la condition du chef de famille, s'ils vivent avec lui et sont sans profession.

Le Secrétariat général et le Bureau international du Travail établiront une liste nominative de leur personnel de première catégorie, indiquant la nationalité, les attributions et l'adresse de chaque fonctionnaire et mentionnant qu'il est marié ou célibataire. Cette liste sera communiquée au Département politique fédéral, qui sera tenu régulièrement au courant des mutations; sur sa base, la Division des affaires étrangères fournira aux intéressés des cartes d'identité, munies de la photographie du titulaire; ces cartes, contresignées par le Secrétariat général ou le Bureau international du Travail, serviront à la légitimation du fonctionnaire à l'égard des Autorités fédérales et cantonales; elles seront restituées en cas de départ définitif.

Le personnel de deuxième catégorie (non exterritorial) comprendra le reste du personnel officiel, soit le personnel technique et manuel, tous ceux, en d'autres termes qui, sans être assimilables à des fonctionnaires publics, sont néanmoins engagés et salariés par la Société des Nations et se trouvent au

service exclusif de son Secrétariat général ou du Bureau international du Travail. La situation de ce personnel sera la suivante :

A. — Il bénéficiera d'une complète immunité pour les actes qu'il aura accomplis en sa qualité officielle et dans les limites de ses attributions. Il restera, par contre, soumis aux lois et à la juridiction locales pour les actes de sa vie privée. Au cas, toutefois, où des mesures judiciaires, de police ou autres, prises à l'égard d'un membre de ce personnel, seraient de nature à entraver la marche normale des services de la Société des Nations, le Département politique fédéral, à la demande du Secrétariat général, attirera aussitôt sur ce fait l'attention de l'Autorité compétente, qui en tiendra compte dans la mesure compatible avec l'ordre public.

B. — Il sera dispensé de l'obligation de s'annoncer à la police locale et de déposer ses pièces de légitimation. Une liste nominative du personnel de deuxième catégorie, analogue à celle mentionnée plus haut à propos du personnel exterritorial, sera également fournie au Département politique fédéral par le Secrétariat général et le Bureau international du Travail. Sur la base de cet état, qui devra, comme celui du personnel de première catégorie, rester constamment à jour, des cartes d'identité, de couleur différente de celles du personnel exterritorial, seront délivrées aux intéressés par la Division des affaires étrangères.

C. — En matière fiscale, le personnel de deuxième catégorie sera, par application de l'arrêté fédéral du 28 septembre 1920 (article 18) et de l'arrêté du Conseil d'État du Canton de Genève du 14 juin 1921, exonéré :

- 1° Des taxes sur le revenu professionnel (traitements);
- 2° De la taxe sur la fortune (pour autant, du moins, que le montant des revenus n'excédera pas celui du traitement);
- 3° Du paiement de l'impôt fédéral de guerre.

D. — En matière de douane, le personnel de deuxième catégorie bénéficiera des mêmes facilités de visite que le personnel exterritorial. Il n'aura, par contre, et comme le personnel correspondant à Berne, droit à aucune franchise.

E. — En matière de passeports, le personnel de deuxième catégorie recevra, comme, à Berne, le personnel correspondant, le visa officiel (non diplomatique) de la Division des affaires étrangères. De même que le visa diplomatique, ce visa est, soit simple, soit permanent, avec même durée de validité maximum.

F. — La femme et les enfants des membres du personnel de deuxième catégorie partageront la condition du chef de famille, s'ils vivent avec lui et sont sans profession.

Les dispositions qui précèdent, tant celles relatives au personnel exterritorial que celles applicables au personnel de deuxième catégorie, ne concernent pas le *personnel de nationalité suisse*, dont la situation reste à régler.

Il y a lieu, toutefois, de mentionner dès à présent :

A. — Que les ressortissants suisses, fonctionnaires ou employés de la Société des Nations, bénéficient de l'immunité de juridiction pour tous les actes qu'ils accomplissent en leur qualité officielle et dans la limite de leurs attributions;

B. — Que ceux d'entre eux qui, par leurs fonctions, se rattachent à la première catégorie ont, s'ils se rendent en mission à l'étranger, droit à un passeport officiel du Conseil fédéral;

C. — Qu'en application de l'arrêté du Conseil d'État du Canton de Genève, du 14 juin 1921 ils sont exemptés, dans ce Canton, du paiement de la taxe sur le revenu professionnel, pour les traitements qui leur sont alloués par la Société des Nations.

II. *Locaux, archives et courriers*

A. — Les locaux dans lesquels les services de la Société des Nations (Secrétariat général et Bureau international du Travail) sont établis (si ce sont des bâtiments entiers, ces bâtiments, y compris leurs jardins et dépendances) seront inviolables; par quoi il faut entendre que nul agent de l'Autorité publique ne devra y pénétrer, pour un acte de ses fonctions, sans le consentement du Secrétariat général ou du Bureau international du Travail.

B. — Les archives de la Société des Nations seront inviolables.

C. — En application par analogie du droit qu'ont les missions diplomatiques de correspondre librement avec leur Gouvernement, le Secrétariat général et le Bureau international du Travail auront le droit de faire usage de courriers de Cabinet pour la transmission de leur correspondance officielle à leurs agents à l'étranger (et vice versa); on voudra bien se référer, à cet égard, à la correspondance échangée entre la Division des affaires étrangères et le Secrétariat général concernant les détails d'organisation du service de courriers Genève-Paris.

D. — La Société des Nations bénéficiera d'une entière franchise de douane pour tous objets lui appartenant en propre (non à son personnel) et destinés à l'usage exclusif du Secrétariat général ou du Bureau international du Travail (mobilier des locaux, matériel et fournitures de bureau, etc.)

III. *Personnalité internationale de la Société des Nations*

Bien que l'article VII du Pacte de la Société des Nations n'ait trait qu'au personnel et aux locaux de la Société, il y a lieu d'admettre qu'en application, sinon de la lettre, du moins de l'esprit du Pacte, la Société des Nations peut revendiquer, en sa faveur, la personnalité internationale et la capacité juridique, qu'elle a droit, en conséquence, à un statut analogue à celui d'un État. Il en ressort que la Société des Nations peut prétendre à la même indépendance à l'égard des organes administratifs et judiciaires suisses que les autres membres de la communauté internationale, en sorte qu'elle ne doit pas être actionnée devant les tribunaux suisses sans son consentement (abstraction faite des exceptions consacrées par le droit international, comme, par exemple, en matière d'actions réelles immobilières, etc.).

Toutefois, la Société des Nations, à la différence des autres personnes internationales, n'ayant, faute de territoire, pas de tribunaux à offrir, il en résulte qu'elle ne peut, à l'heure actuelle, être actionnée nulle part sans son consentement. Sans doute, la Société des Nations, par le fait que son siège est à Genève, peut dès aujourd'hui s'adresser aux tribunaux suisses; il lui suffit, à cet effet, de renoncer à se prévaloir de son exterritorialité; elle peut le faire, soit expressément, en se portant demanderesse, soit tacitement, en n'élevant pas le déclinatoire d'incompétence. Cependant, le Gouvernement suisse est de l'avis qu'il serait certainement préférable que la Société, dans son intérêt même, ne se contentât pas de la compétence, pour elle aujourd'hui

simplement facultative, des tribunaux suisses, et fût aussitôt que possible choix d'un for judiciaire général; ce choix pourrait d'ailleurs n'être que provisoire. Du moment où la Société des Nations a son siège à Genève, il semblerait naturel que l'élection de for fût faite dans cette ville.

La Société des Nations pouvant d'ores et déjà, si elle le désire, en appeler aux tribunaux suisses, le Gouvernement fédéral n'a, conséquemment, pas d'offres à faire sur ce point; il se borne à exprimer le vœu de connaître bientôt les propositions que le Secrétariat général estimerait pouvoir formuler en vue de remédier à ce que la situation actuelle a d'anormal.

Dans l'attente des obligeantes communications que vous voudrez bien nous faire parvenir relativement à ce qui précède, nous saisissons cette occasion pour vous réitérer, Monsieur le Secrétaire général, l'assurance de notre haute considération.

Département politique fédéral
(Signé) MOTTA

Genève, le 24 octobre 1921

Monsieur le Conseiller fédéral G. MOTTA,
Chef du Département politique fédéral,
Berne.

Monsieur le Conseiller,

En répondant à votre lettre du 19 juillet B.56/41.D./I/-CA, j'éprouve, pour ma part, la satisfaction de pouvoir constater que les vues du Gouvernement fédéral suisse, en ce qui concerne les questions des privilèges et immunités diplomatiques, concordent, sur le plus grand nombre des points, avec ma manière de voir.

Il me paraît, en effet qu'un *modus vivendi* provisoire pourra être établi sur la base des propositions du Gouvernement fédéral suisse et des observations suivantes que je me permets de présenter.

Je partage l'opinion que ce premier arrangement partiel sera constamment revisible à la demande de celle des parties qui le jugera nécessaire.

Pour le moment, on pourra donc considérer comme acquises, les conclusions suivantes:

I. *Personnel*

Le personnel du Secrétariat général de la Société des Nations et du Bureau international du Travail sera soumis à un régime analogue, *mutatis mutandis* à celui appliqué aux membres des missions diplomatiques accréditées auprès de la Confédération, c'est-à-dire qu'il bénéficiera des mêmes prérogatives et immunités que celles reconnues par le droit international et par la pratique au personnel des missions diplomatiques.

Par conséquent, les membres du personnel, qui correspondent à des fonctionnaires publics, jouiront des prérogatives et immunités connues sous le nom d'extraterritorialité.

J'aurai l'honneur de présenter au Gouvernement fédéral suisse une liste nominative des membres du personnel qui se trouvent dans cette situation et je ne manquerai pas de communiquer de temps à autre, les mutations qui s'y produiraient.

En ce qui concerne les détails mentionnés sous les lettres A et D, F, E, G de cette catégorie, je peux me déclarer complètement d'accord.

Il y a également accord, en ce qui concerne la situation de la 2^e catégorie (non-exterritorialité) mentionnée dans la lettre du Gouvernement fédéral suisse. Toutefois, je me permets de faire remarquer qu'il y aurait peut-être lieu d'établir pour cette catégorie du personnel la même immunité fiscale que celle qui a été établie pour le personnel de 1^{re} catégorie.

Il y a encore accord pour les questions touchant les locaux dans lesquels les services de la Société des Nations sont établis. Il s'agit, en l'espèce, du bâtiment occupé par le Secrétariat général et de celui occupé par le Bureau international du Travail. Il va sans dire qu'il devra en être également ainsi pour les bâtiments qui seront temporairement occupés par la Société des Nations, telle que la salle de l'Assemblée et celle de la Conférence du Travail, pendant la durée des réunions. Si d'autres bâtiments ou terrains seront occupés par la Société des Nations, communication en sera faite au Gouvernement fédéral.

Quant aux propositions faites en ce qui concerne les archives de la Société des Nations, le service des courriers et la franchise de douane pour les objets appartenant à la Société et destinés à l'usage exclusif du Secrétariat général ou du Bureau international du Travail, il n'y a pas d'observations à faire.

Enfin, je me permets d'exprimer mon appréciation, aussi bien en mon nom propre qu'en celui du personnel, de la courtoisie témoignée par le Gouvernement suisse, en ce qui concerne les franchises de douane et les facilités de douanes offertes par le Gouvernement fédéral suisse au personnel sous les nos. I.E. — et II.D.

Il est bien entendu que la situation du personnel de nationalité suisse restera à régler. Il est toutefois bien entendu que, dès à présent, les ressortissants suisses, fonctionnaires ou employés de la Société des Nations, bénéficieront de l'immunité de juridiction pour tous les actes qu'ils accomplissent en leur qualité officielle et dans la limite de leurs attributions; que ceux d'entre eux, qui par leurs fonctions, se rattachent à la première catégorie, auront s'ils se rendent en mission à l'étranger, droit à un passeport officiel du Conseil fédéral et qu'ils seront exemptés du paiement de la taxe sur le revenu professionnel, pour les traitements qui leur sont alloués par la Société des Nations.

En ce qui concerne le dernier point, il me paraît que l'exemption fiscale devrait s'étendre à toute taxation possible pour les traitements alloués par la Société.

La lettre du Gouvernement fédéral suisse parle également de la personnalité internationale de la Société des Nations. Il ne sera peut-être pas nécessaire d'entrer dans les détails de cette question. Elle ne pourrait pas être résolue définitivement par la correspondance présente. Pour ma part, je partage l'opinion selon laquelle la Société des Nations peut prétendre à la même indépendance à l'égard des organes administratifs judiciaires suisses que les membres de la communauté internationale, c'est-à-dire qu'elle ne doit pas être actionnée, en principe, devant les tribunaux suisses sans son consentement. Il ne me paraît pas douteux que, le cas échéant, la Société des Nations consentira à reconnaître un forum judiciaire dans l'éventualité d'un litige. Toutefois, il me semble qu'il vaudra mieux qu'elle conserve pour le moment toute liberté en cette matière, ce qui sera, de plus, justifié, parce que jusqu'ici la pratique n'a pas paru soulever d'inconvénients. Les décisions sur ce point pourront être prises par les organes compétents de la Société des Nations, au moment où le cas se présentera.

J'ajoute que, pour ce qui concerne la question des droits, immunités et privilèges diplomatiques, M. le Directeur du Bureau international du Travail,

consulté par moi, s'est déclaré d'accord avec mes déclarations et avec le *modus vivendi* acquis, en soulignant toutefois la réserve mentionnée déjà de ma part au commencement de cette lettre, qu'il ne peut s'agir que d'un *modus vivendi* qui sera à tout temps modifiable.

En vous présentant ces observations, je saisis l'occasion pour vous réitérer, Monsieur le Chef du Département politique fédéral, l'assurance de ma haute considération.

Eric DRUMMOND,
Secrétaire général

4. *MODUS VIVENDI* DE 1926¹ (COMMUNICATIONS DU CONSEIL FÉDÉRAL SUISSE CONCERNANT LE RÉGIME DES IMMUNITÉS DIPLOMATIQUES DU PERSONNEL DE LA SOCIÉTÉ DES NATIONS ET DU BUREAU INTERNATIONAL DU TRAVAIL)

Note du Secrétaire général, soumise au Conseil le 20 septembre 1926

Genève, le 18 septembre 1926

Le Secrétaire général a l'honneur de soumettre au Conseil le texte d'un nouveau *modus vivendi* relatif aux immunités diplomatiques du personnel des organismes de la Société à Genève. Ce texte a été accepté tant par le Gouvernement fédéral que par le Secrétaire général et le Directeur du Bureau international du Travail.

I

Le Gouvernement fédéral suisse reconnaît que la Société des Nations, possédant la personnalité internationale et la capacité juridique, ne peut être, en principe, selon les règles du droit des gens, actionnée devant les tribunaux suisses sans son consentement exprès.

II

Les locaux dans lesquels les services de la Société des Nations (Secrétariat et Bureau international du Travail) sont installés (si ce sont des bâtiments entiers, ces bâtiments, y compris leurs jardins et dépendances) sont inviolables, c'est-à-dire que nul agent de l'autorité publique ne doit y pénétrer pour un acte de ses fonctions, sans le consentement du Secrétariat général ou du Bureau international du Travail.

III

Les archives de la Société des Nations sont inviolables.

IV

Le Secrétaire général de la Société des Nations et le Directeur du Bureau international du Travail ont le droit de faire usage de courriers pour la réception et l'envoi de la correspondance officielle avec les Membres de la Société des Nations et ses agents hors de Suisse.

¹ Société des Nations, C.555.1926.V, *Journal officiel*, n° 10, octobre 1926, p. 1422.

V

La franchise douanière est accordée à la Société des Nations pour tous objets, appelés ou non à faire partie intégrante d'un immeuble, qui appartiennent en propre à la Société et sont destinés à son usage exclusif.

VI

La Société des Nations jouira de l'exemption fiscale complète pour tous ses avoirs en banque (comptes courants et dépôts) et ses titres de valeurs mobilières.

En particulier, elle est exonérée du droit de timbre sur les coupons, institué par la loi fédérale du 25 juin 1921. L'exonération sera effectuée par voie de remboursement au profit de la Société des Nations des droits perçus sur ses avoirs.

VII

Sous réserve de l'article IX ci-après, les fonctionnaires des organismes de la Société des Nations à Genève, faisant partie du personnel de première catégorie ou personnel exterritorial, jouiront de l'immunité de juridiction civile et criminelle en Suisse, à moins qu'elle ne soit levée par décision du Secrétaire général ou Directeur du Bureau international du Travail.

Le personnel de seconde catégorie jouit des mêmes privilèges pour les actes accomplis officiellement et dans la limite de ses attributions. Il reste soumis aux lois et à la juridiction locales pour les actes de sa vie privée.

Il est bien entendu, toutefois, que les organismes de la Société des Nations à Genève s'efforceront de faciliter le bon fonctionnement de la justice et de la police à Genève.

VIII

Les fonctionnaires des organismes de la Société des Nations appartenant au personnel de première catégorie jouissent de l'immunité fiscale. A ce titre, ils sont exonérés, conformément à la pratique internationale, de tous impôts directs, à l'exception des charges réelles grevant les propriétés immobilières (impôt foncier); ils demeurent astreints à l'acquittement des impôts indirects et des taxes. L'expression « impôts directs » s'entend de ceux qui sont prélevés directement auprès du contribuable. Par « taxes », il y a lieu d'entendre seulement — et quelle que soit l'expression employée dans les prescriptions réglant la matière — les contributions corrélatives d'une contre-prestation spéciale et précise de l'administration à la personne qui paie, ainsi que celles qui sont versées en couverture de dépenses particulièrement nécessitées par le fait du contribuable.

Le personnel de deuxième catégorie est exonéré:

- 1° De l'impôt — dit « taxe » — sur le revenu professionnel (traitement);
- 2° De l'impôt — dit « taxe » — sur la fortune ou le revenu;
- 3° De l'impôt fédéral de guerre extraordinaire.

IX ¹

En ce qui concerne le personnel de nationalité suisse, les exceptions suivantes sont instituées:

¹ En ce qui concerne l'impôt fédéral de guerre, voir note annexe.

1° Les fonctionnaires de nationalité suisse n'ont point à répondre devant la juridiction locale des actes qu'ils accomplissent en leur qualité officielle et dans la limite de leurs attributions.

2° Les traitements qui leur sont alloués par la Société des Nations sont exonérés des impôts directs cantonaux et communaux.

X

Le traitement en douane des envois destinés aux fonctionnaires des organismes de la Société des Nations a lieu conformément aux « Prescriptions » dont le texte a été communiqué au Secrétaire général de la Société par le chef du Département politique fédéral, en date du 10 janvier 1926.

XI

Si les exigences de l'instruction ou les intérêts du pays le permettent, des dispenses ou ajournements d'un service militaire seront accordés aux fonctionnaires de nationalité suisse, incorporés dans l'armée fédérale, lorsque le fait pour eux de donner suite à un ordre d'appel serait de nature à entraver sérieusement la marche normale des services de la Société.

XII

Pour l'application des règles du *modus vivendi*, les correspondances entre les organismes de la Société des Nations et les autorités suisses seront échangées par l'intermédiaire du Département politique fédéral, sauf dans les cas où une autre procédure aura été prévue.

XIII

Les présentes dispositions complètent ou résument, sans les abroger, les règles antérieurement établies par échange de notes entre les organismes de la Société des Nations et le Département politique fédéral.

XIV

Tant que le présent arrangement demeurera en vigueur, l'examen des arguments juridiques énoncés dans les notes des 24 février et 5 mars 1926 ne sera pas poursuivi.

Les règles du *modus vivendi* énoncées ci-dessus ne pourront être modifiées que de concert entre les organismes de la Société des Nations et le Département politique fédéral. Au cas, toutefois, où un accord ne pourrait être réalisé, il sera possible, soit au Gouvernement fédéral, soit aux organismes de la Société des Nations, de dénoncer tout ou partie des règles du *modus vivendi*. Dans ce cas, les règles visées dans la dénonciation demeureront en vigueur pendant une année à dater de cette dénonciation.

NOTE RELATIVE À L'IMPÔT FÉDÉRAL DE GUERRE

(Personnel de nationalité suisse)

En ce qui concerne l'exemption de l'impôt fédéral de guerre accordée au personnel de nationalité suisse, la position actuelle est la suivante:

D'une lettre du 17 juillet 1926, émanant du Département politique fédéral, il résulte que le Conseil fédéral est disposé à dégrever de cet impôt le traite-

ment des fonctionnaires de nationalité suisse jusqu'à l'expiration des contrats d'engagement au bénéfice desquels les intéressés se trouvent actuellement et qui pourraient leur assurer un traitement franc d'impôts. Par cette exonération temporaire, le Conseil fédéral entend éviter que l'acquittement de l'impôt fédéral de guerre puisse aboutir, par le jeu des clauses des contrats en vigueur, à charger, fût-ce indirectement, le budget de la Société des Nations. Étant donné le caractère et le but spécial de l'impôt fédéral de guerre et certaines raisons de principe, le Conseil fédéral ne croit pas pouvoir envisager une exonération définitive.

Le Secrétaire général ayant accepté l'arrangement proposé par le Conseil fédéral en ce qui concerne les contrats actuellement en vigueur, mais devant encore considérer les diverses difficultés juridiques et administratives pouvant résulter de différenciations dans les contrats, une solution définitive n'est pas intervenue jusqu'à présent.

5. AMENDEMENT, EN DATE DU 24 AVRIL 1928, A L'ARTICLE VIII DU *MODUS VIVENDI* DE 1926¹ (COMMUNICATION DU CONSEIL FÉDÉRAL SUISSE CONCERNANT LE RÉGIME DES IMMUNITÉS DIPLOMATIQUES DU PERSONNEL DE LA SOCIÉTÉ DES NATIONS)

Note du Secrétaire général

En se référant à sa note du 18 septembre 1926 (voir *Journal officiel*, procès-verbaux du Conseil, 42^e session, n° 1805 et annexe 911a), le Secrétaire général a l'honneur de porter à la connaissance du Conseil, qu'à la demande du gouvernement fédéral et avec l'approbation du Secrétaire général et du Directeur du Bureau international du Travail, une modification a été apportée au *modus vivendi* relatif aux privilèges et immunités diplomatiques du personnel des organismes de la Société à Genève.

Cette modification, qui a été introduite, conformément à la procédure instituée par l'article XIV du *modus vivendi*, vise la deuxième phrase de l'article VIII de l'arrangement, auquel une adjonction a été faite. La teneur exacte de la deuxième phrase de l'article VIII se trouve reproduite ci-après (le texte de l'amendement qui est entré en vigueur le 24 avril 1928 est en italique):

« A ce titre, ils sont exonérés, conformément à la pratique internationale, de tous impôts directs, à l'exception des charges réelles grevant les propriétés immobilières (impôts fonciers) *et des droits de mutation auxquels ils peuvent être assujettis comme héritiers ou légataires d'une personne décédée en Suisse ou comme bénéficiaires d'une donation entre vifs dont le donateur serait domicilié en Suisse, étant entendu que la transmission pour cause de mort ou par donation entre vifs de biens appartenant à des fonctionnaires jouissant des privilèges et immunités diplomatiques demeurera soustraite à toute imposition*; ils demeurent astreints à l'acquittement. . . ».

¹ Société des Nations, C.188.1928.V.

6. ACCORD ENTRE LA SUISSE ET L'ORGANISATION INTERNATIONALE DU TRAVAIL, ARRANGEMENT D'EXÉCUTION DE L'ACCORD, ET DÉCLARATION CONCERNANT LE STATUT JURIDIQUE EN SUISSE DE L'ORGANISATION INTERNATIONALE DU TRAVAIL APRÈS LA DISSOLUTION DE LA SOCIÉTÉ DES NATIONS SIGNÉE LE 11 MARS 1946, ET ÉCHANGE DE NOTES DES 28 MAI ET 7 JUIN 1946 CONFIRMANT L'ENTRÉE EN VIGUEUR DE L'ACCORD ET DE L'ARRANGEMENT ¹

ACCORD ² ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L'ORGANISATION INTERNATIONALE DU TRAVAIL POUR RÉGLER LE STATUT JURIDIQUE DE CETTE ORGANISATION EN SUISSE

Le Conseil fédéral suisse,
d'une part,

L'Organisation internationale du Travail,
d'autre part,

Désireux de conclure un accord en vue de régler en Suisse le statut juridique de l'Organisation internationale du Travail, après la dissolution de la Société des Nations, ont convenu des dispositions suivantes :

Article 1

Liberté d'action de l'OIT

Le Conseil fédéral suisse garantit à l'Organisation internationale du Travail l'indépendance et la liberté d'action qui lui appartiennent en sa qualité d'institution internationale.

Article 2

Personnalité de l'OIT

Le Conseil fédéral suisse reconnaît la personnalité internationale et la capacité juridique en Suisse de l'Organisation internationale du Travail.

Article 3

Immunités de l'OIT

L'Organisation internationale du Travail est au bénéfice de l'ensemble des immunités connues, en droit des gens, sous le nom d'immunités diplomatiques.

Article 4

Exterritorialité des terrains et locaux

Le Conseil fédéral suisse reconnaît notamment l'exterritorialité des terrains et locaux de l'Organisation internationale du Travail et de tous locaux occupés par elle à l'occasion de la Conférence internationale du Travail ou de toute autre réunion convoquée en Suisse par l'Organisation internationale du Travail.

¹ Nations Unies, *Recueil des Traités*, vol. 15, p. 378.

² Entré en vigueur le 27 mai 1946, conformément à l'article 28. (Voir échange de notes, *infra*.)

*Article 5**Liberté de réunion*

Le Conseil fédéral suisse reconnaît à l'Organisation internationale du Travail et à ses Membres, dans leurs rapports avec elle, une liberté de réunion absolue comportant la liberté de discussion et de décision.

*Article 6**Immunité de juridiction et immunité à l'égard d'autres mesures*

1. L'Organisation internationale du Travail bénéficie, pour elle-même, ses propriétés et ses biens, quel que soit le lieu où ils se trouvent ou la personne qui les détient, de l'immunité à l'égard de toute forme d'action judiciaire, sauf dans la mesure où cette immunité a été formellement levée par le Directeur du Bureau international du Travail ou son représentant régulièrement autorisé.

2. Les propriétés et biens de l'Organisation internationale du Travail, quel que soit le lieu où ils se trouvent ou la personne qui les détient, sont au bénéfice de l'immunité à l'égard de toute mesure de perquisition, réquisition, confiscation, expropriation et de toute autre forme de saisie ou d'ingérence de toute autorité publique de quelque nature que ce soit.

*Article 7**Inviolabilité des terrains et locaux*

Les terrains et locaux de l'Organisation internationale du Travail sont inviolables. Nul agent de l'autorité publique suisse ne peut y pénétrer sans le consentement exprès de l'Organisation internationale du Travail.

*Article 8**Inviolabilité des archives*

Les archives de l'Organisation internationale du Travail et, en général, tous les documents qui lui appartiennent ou se trouvent en sa possession sont inviolables.

*Article 9**Publications*

L'exportation et l'importation des publications de l'Organisation internationale du Travail ne seront soumises à aucune mesure restrictive.

*Article 10**Régime fiscal de l'OIT*

L'Organisation internationale du Travail est exonérée des impôts directs et indirects, fédéraux, cantonaux et communaux, sur les immeubles dont elle est propriétaire et qui sont occupés par ses services, de même que sur ses biens mobiliers, étant entendu qu'elle ne sollicite pas l'exemption de taxes auxquelles correspond une prestation de l'autorité publique.

*Article 11**Libre disposition des fonds*

1. L'Organisation internationale du Travail peut recevoir et détenir tous fonds quelconques, toutes devises, numéraires et autres valeurs mobi-

lières, et en disposer librement tant à l'intérieur de la Suisse que dans ses relations avec l'étranger.

2. Le présent article est applicable aux États Membres dans leurs relations avec l'Organisation internationale du Travail.

Article 12

Communications officielles

L'Organisation internationale du Travail bénéficie dans ses communications officielles, d'un traitement au moins aussi favorable que celui assuré aux missions diplomatiques en Suisse:

- a) pour toutes priorités de communications et de moyens de transport;
- b) pour les tarifs postaux, télégraphiques, radiotélégraphiques, téléphoniques, radiotéléphoniques, téléphotographiques, etc.

Article 13

Exemption de censure

Aucune censure ne peut être exercée à l'égard des communications officielles dûment authentifiées de l'Organisation internationale du Travail, quelle que soit la voie de communication employée.

Article 14

Liberté d'accès et de séjour

1. Les autorités suisses prendront toutes mesures utiles pour faciliter l'entrée sur le territoire suisse, la sortie de ce territoire et le séjour à toutes les personnes appelées, en qualité officielle, auprès de l'Organisation internationale du Travail, soit:

- a) Les représentants des États Membres, quels que soient les rapports existant entre la Suisse et ces États;
- b) Les membres du Conseil d'administration du Bureau international du Travail, quelle que soit leur nationalité;
- c) Les agents et les fonctionnaires de l'Organisation internationale du Travail;
- d) Les personnes, quelle que soit leur nationalité, appelées par l'Organisation internationale du Travail.

2. Toutes mesures concernant la police des étrangers et visant à restreindre l'entrée en Suisse des étrangers ou à contrôler les conditions de leur séjour seront sans application à l'égard des personnes visées au présent article.

Article 15

Immunités des représentants des Membres et du Conseil d'administration

Les représentants des Membres de l'Organisation internationale du Travail et les membres du Conseil d'administration appelés en Suisse par leurs fonctions y jouissent des privilèges et immunités suivants:

- a) Inviolabilité de la personne, du lieu de résidence et de tous objets quelconques appartenant à l'intéressé;
- b) Immunité de juridiction;
- c) Immunité fiscale correspondant à celle qui est accordée aux agents diplomatiques conformément à l'usage international admis en Suisse;

- d) Facilités douanières correspondant à celles qui sont accordées aux agents diplomatiques conformément à l'usage international admis en Suisse;
- e) Droit d'user de chiffres dans leurs communications officielles et de recevoir ou d'envoyer des documents ou de la correspondance par l'intermédiaire de courriers ou par valises diplomatiques dûment scellées;
- f) Exemption des restrictions à la liberté de change dans des conditions identiques à celles accordées aux agents diplomatiques des gouvernements étrangers en mission temporaire.

Article 16

Immunités diplomatiques du Directeur et de certains fonctionnaires

Le Directeur du Bureau international du Travail et les fonctionnaires des catégories désignées par lui et agréées par le Conseil fédéral suisse, jouissent des privilèges, immunités, exemptions et facilités reconnus aux agents diplomatiques conformément au droit des gens et aux usages internationaux.

Article 17

Immunités et facilités accordées à tous les fonctionnaires

Tous les fonctionnaires du Bureau international du Travail, quelle que soit leur nationalité, sont au bénéfice des immunités et facilités suivantes:

- a) Exemption de toute juridiction pour les actes accomplis dans l'exercice de leurs fonctions;
- b) Exonération de tous impôts fédéraux, cantonaux et communaux sur les traitements, émoluments et indemnités qui leur sont versés par l'Organisation internationale du Travail.

Article 18

Exemptions et facilités accordées aux fonctionnaires non suisses

Les fonctionnaires du Bureau international du Travail qui n'ont pas la nationalité suisse bénéficient des exemptions et facilités énumérées dans l'arrangement d'exécution du présent accord.

Article 19

Caisse des pensions, etc.

Toute caisse des pensions ou institution de prévoyance exerçant son activité sous l'autorité de l'Organisation internationale du Travail aura la capacité juridique en Suisse si elle en exprime le désir et sera au bénéfice des mêmes exemptions, immunités et privilèges que l'Organisation elle-même.

Article 20

Arrangements antérieurs

Dans la mesure où ils ne sont pas modifiés par le présent accord, les *modus vivendi* de 1921 et de 1926¹ et les arrangements complémentaires conclus entre le Département politique fédéral, la Société des Nations et le Bureau international du Travail restent applicables à l'Organisation internationale du Travail.

¹ Le texte de ce *modus vivendi* est reproduit plus haut.

*Article 21**Objet des immunités*

1. Les immunités prévues par le présent accord ne sont pas établies en vue d'accorder aux fonctionnaires de l'Organisation internationale du Travail des avantages et des commodités personnels. Elles sont instituées uniquement afin d'assurer, en toute circonstance, le libre fonctionnement de l'Organisation internationale du Travail et la complète indépendance de ses agents.

Levée des immunités

2. Le Directeur du Bureau international du Travail a le droit et le devoir de lever l'immunité d'un fonctionnaire lorsqu'il estime que cette immunité empêche le jeu normal de la justice et qu'il est possible d'y renoncer sans porter atteinte aux intérêts de l'Organisation internationale du Travail.

*Article 22**Prévention des abus*

L'Organisation internationale du Travail coopérera en tout temps avec les autorités suisses en vue de faciliter une bonne administration de la justice, d'assurer l'observation des règlements de police et d'empêcher tout abus des privilèges, immunités et facilités prévus par le présent accord.

*Article 23**Différends d'ordre privé*

L'Organisation internationale du Travail prendra des dispositions appropriées en vue du règlement satisfaisant :

a) De différends résultant de contrats auxquels l'Organisation internationale du Travail serait partie et d'autres différends portant sur un point de droit privé;

b) De différends dans lesquels serait impliqué un fonctionnaire de l'Organisation internationale du Travail qui jouit, du fait de sa situation officielle, de l'immunité, si cette immunité n'a pas été levée par le Directeur.

*Article 24**Non-responsabilité de la Suisse*

La Suisse n'encourt, du fait de l'activité de l'Organisation internationale du Travail sur son territoire, aucune responsabilité internationale quelconque pour les actes et omissions de l'Organisation ou pour ceux de ses agents agissant ou s'abstenant dans le cadre de leurs fonctions.

*Article 25**Sécurité de la Suisse*

1. Rien dans le présent accord n'affecte le droit du Conseil fédéral suisse de prendre les précautions utiles dans l'intérêt de la sécurité de la Suisse.

2. Au cas où il estimerait nécessaire d'appliquer le premier paragraphe du présent article, le Conseil fédéral suisse se mettra, aussi rapidement que les circonstances le permettront, en rapport avec l'Organisation internationale du Travail en vue d'arrêter, d'un commun accord, les mesures nécessaires pour protéger les intérêts de l'Organisation.

3. L'Organisation internationale du Travail collaborera avec les autorités suisses en vue d'éviter tout préjudice à la sécurité de la Suisse du fait de son activité.

Article 26

Exécution de l'accord par la Suisse

Le Département politique fédéral est chargé de l'exécution par la Confédération suisse du présent accord et de son arrangement d'exécution.

Article 27

Juridiction

1. Toute divergence de vue concernant l'application ou l'interprétation du présent accord ou de son arrangement d'exécution qui n'aurait pas pu être réglée par des pourparlers directs entre les parties pourra être soumise, par l'une ou l'autre partie, à l'appréciation d'un tribunal composée de trois membres qui sera constitué dès l'entrée en vigueur du présent accord.

2. Le Conseil fédéral suisse et l'Organisation internationale du Travail désigneront chacun un membre du tribunal.

3. Les juges ainsi désignés choisiront leur président.

4. En cas de désaccord entre les juges au sujet de la personne du président, ce dernier sera désigné par le président de la Cour suprême des Pays-Bas à la requête des membres du tribunal.

5. Le tribunal sera saisi par l'une ou l'autre partie par voie de requête.

6. Le tribunal fixera sa propre procédure.

Article 28

Entrée en vigueur

1. Le présent accord entrera en vigueur dès qu'il aura été approuvé par le Conseil fédéral suisse et le Conseil d'administration du Bureau international du Travail.

2. Il sortira ses effets dès la dissolution de la Société des Nations.

Article 29

Régime transitoire

Jusqu'à la date de la dissolution de la Société des Nations les *modus vivendi* de 1921 et de 1926, de même que les arrangements complémentaires conclus entre le Département politique, la Société des Nations et le Bureau international du Travail resteront applicables à l'Organisation internationale du Travail.

Article 30

Modifications de l'accord

1. Le présent accord peut être révisé à la demande de l'une ou l'autre partie.

2. Dans cette éventualité, les deux parties se concerteront sur les modifications qu'il pourrait y avoir lieu d'apporter aux dispositions du présent accord.

3. Au cas où les négociations n'aboutiraient pas à une entente dans le délai d'un an, l'accord pourra être dénoncé par l'une ou l'autre partie moyennant un préavis de deux ans.

*Article 31**Arrangement d'exécution*

Les dispositions du présent accord sont complétées par l'arrangement d'exécution.

ARRANGEMENT ¹ D'EXÉCUTION DE L'ACCORD CONCLU ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L'ORGANISATION INTERNATIONALE DU TRAVAIL POUR RÉGLER LE STATUT JURIDIQUE DE CETTE ORGANISATION EN SUISSE

*Article premier**Franchise douanière*

L'Organisation internationale du Travail bénéficie de l'exemption complète des droits de douane, de statistique, etc., pour toutes les marchandises destinées à l'usage officiel de l'Organisation internationale du Travail ou provenant de cette dernière, étant entendu que les objets importés en franchise ne pourront être vendus en Suisse que dans des conditions à déterminer par accord entre l'Organisation internationale du Travail et le Conseil fédéral suisse.

*Article 2**Importation et exportation de marchandises*

Le Conseil fédéral suisse reconnaît, en ce qui le concerne, que les prohibitions et restrictions aux importations et exportations de marchandises ne sont pas applicables aux objets destinés à l'usage officiel de l'Organisation internationale du Travail et nécessaires à son bon fonctionnement, sous réserve des dispositions des conventions internationales générales et des mesures d'ordre sanitaire, étant entendu qu'il appartient à l'Organisation internationale du Travail d'obtenir de tout autre État intéressé le consentement éventuellement nécessaire.

*Article 3**Prévoyance sociale*

L'Organisation internationale du Travail est exempte de toutes contributions obligatoires à des institutions générales de prévoyance sociale, telles que les caisses de compensation, les caisses d'assurance-chômage, l'assurance-accidents, etc., étant entendu que l'Organisation internationale du Travail assurera, dans la mesure du possible et dans des conditions à convenir, l'affiliation aux systèmes suisses d'assurance de ceux de ses agents qui ne sont pas assurés d'une protection sociale équivalente par l'Organisation elle-même.

*Article 4**Libre disposition des fonds*

1. L'Organisation internationale du Travail peut être titulaire de comptes en toutes monnaies.
2. L'Organisation internationale du Travail peut transférer librement ses fonds, devises, numéraires et autres valeurs mobilières, de Suisse à l'étranger.
3. L'Organisation internationale du Travail peut convertir en une autre monnaie toutes devises et tous numéraires détenus par elle.

¹ Entré en vigueur le 27 mai 1946, conformément à l'article 14. (Voir échange de notes, *infra*.)

4. Le Conseil fédéral suisse tiendra compte des dispositions des paragraphes précédents du présent article lors de ses négociations avec des gouvernements étrangers au sujet des transferts de fonds et de marchandises.

Article 5

Chiffre, courrier, valise

1. L'Organisation internationale du Travail est autorisée à faire usage de chiffres dans ses communications.

2. L'Organisation internationale du Travail jouit du droit de se servir de courriers et de faire usage de valises diplomatiques dans les mêmes conditions que les gouvernements étrangers.

Article 6

Communications de presse

L'Organisation internationale du Travail bénéficie, pour ses communications destinées à la presse et à la radiodiffusion, soit directement, soit par intermédiaire, des tarifs préférentiels applicables aux communications de presse, en conformité de la convention internationale sur les télécommunications.

Article 7

Liberté d'accès et de séjour

1. En vue de faciliter l'entrée en Suisse des personnes énumérées à l'article 14 de l'accord, les légations et consulats de Suisse recevront, pour tous les cas où un visa d'entrée est nécessaire, l'instruction générale et préalable d'accorder un tel visa sur production du passeport ou d'un autre titre équivalent d'identité et de voyage, ainsi que d'une pièce suffisant à établir la qualité du requérant à l'égard de l'Organisation internationale du Travail.

2. Les légations et consulats de Suisse auront pour instruction de délivrer le visa sans retard ou délais, et sans exiger la présence personnelle du requérant, ni l'acquiescement des taxes.

3. Les dispositions de l'article 14 de l'accord et du présent article s'appliqueront, dans des conditions analogues, à la femme et aux enfants de l'intéressé, s'ils vivent avec lui et sont sans profession.

Article 8

Carte d'identité

Le Département politique fédéral remet au Bureau international du Travail, à l'intention de chaque fonctionnaire, une carte d'identité munie de la photographie du titulaire. Cette carte, authentifiée par le Département politique fédéral et le Bureau international du Travail, servira à la légitimation du fonctionnaire à l'égard de toute autorité fédérale, cantonale ou communale.

Article 9

Facilités accordées aux fonctionnaires non suisses

Les fonctionnaires du Bureau international du Travail qui n'ont pas la nationalité suisse bénéficient des exemptions et facilités suivantes:

a) Exemptions de tous droits de douane, de statistique, de droits à l'importation, pour tous les objets, usagés ou neufs, que le fonctionnaire apporte avec lui lors de sa première installation en Suisse ou lors de son retour en Suisse après une absence minimum de trois ans;

b) Exemptions des restrictions à la liberté de change dans des conditions identiques à celles accordées aux agents diplomatiques accrédités auprès du Conseil fédéral;

c) En cas de crise internationale, facilités de rapatriement pour les fonctionnaires et les membres de leur famille, identiques à celles accordées aux membres de missions diplomatiques accréditées auprès du Conseil fédéral;

d) Exonération des impôts fédéraux, cantonaux et communaux conformément aux usages établis pour le personnel non suisse des institutions internationales à Genève;

e) Exemptions, sur demande du Directeur du Bureau international du Travail, des droits de douane sur les voitures automobiles importées, étant entendu que cette facilité peut être exercée au maximum une fois tous les trois ans et que les droits de douane seront dus au cas où la voiture serait vendue ou cédée à une personne non bénéficiaire de l'exemption, avant l'expiration d'un délai établi d'un commun accord entre le Conseil fédéral suisse et le Bureau international du Travail;

f) La visite en douane des bagages sera, comme à l'égard des membres du corps diplomatique, réduite au strict minimum.

Article 10

Service militaire

1. Le Directeur du Bureau international du Travail communiquera au Conseil fédéral suisse la liste des fonctionnaires de nationalité suisse astreints à des obligations de caractère militaire.

2. Le Directeur du Bureau international du Travail et le Conseil fédéral suisse établiront, d'un commun accord, une liste restreinte de fonctionnaires de nationalité suisse qui, en raison de leurs fonctions, bénéficieront de dispenses.

3. En cas de mobilisation d'autres fonctionnaires suisses, le Bureau international du Travail aura la possibilité de solliciter, par l'entremise du Département politique fédéral, un sursis d'appel ou toutes autres mesures appropriées.

Article 11

Passeport diplomatique

Les fonctionnaires de nationalité suisse appartenant aux catégories déterminées d'un commun accord par le Directeur du Bureau international du Travail et par le Conseil fédéral suisse et qui se rendent en mission ou résident à l'étranger du fait de leurs fonctions, auront droit à un passeport diplomatique émis par le Département politique fédéral.

Article 12

Caisse des pensions, etc.

1. Toutes prestations en capital dues par la Caisse des pensions ou toute autre institution de prévoyance sociale à des agents, fonctionnaires ou employés de l'Organisation internationale du Travail, en quelque circonstance que ce soit — échéance des services, interruption des services, suspension, — seront, au moment de leur versement, exemptés en Suisse de tous impôts quelconques sur le capital et le revenu.

2. Il en sera de même à l'égard de toutes les prestations qui pourraient être versées à des agents, fonctionnaires ou employés de l'Organisation internationale du Travail à titre d'indemnité à la suite de maladie, accidents, etc.

Article 13

Timbres-poste

1. Les autorités fédérales suisses émettront des timbres spéciaux pour les services de l'Organisation internationale du Travail dans les limites autorisées par les conventions de l'Union postale universelle.

2. Les arrangements intervenus à cet égard resteront en vigueur à moins qu'ils ne soient modifiés d'un commun accord.

Article 14

Entrée en vigueur

1. Le présent arrangement entrera en vigueur dès qu'il aura été approuvé par le Conseil fédéral suisse et le Conseil d'administration du Bureau international du Travail.

2. Il sortira ses effets dès la dissolution de la Société des Nations.

Article 15

Modification de l'arrangement

1. Le présent arrangement peut être révisé à la demande de l'une ou l'autre partie.

2. Dans cette éventualité, les deux parties se concerteront sur les modifications qu'il pourrait y avoir lieu d'apporter aux dispositions du présent arrangement.

3. Au cas où les négociations n'aboutiraient pas à une entente dans le délai d'un an, l'arrangement pourra être dénoncé par l'une ou l'autre partie moyennant un préavis de deux ans.

DÉCLARATION DES REPRÉSENTANTS DU DÉPARTEMENT POLITIQUE FÉDÉRAL ET
DU DÉPARTEMENT FÉDÉRAL DE L'ÉCONOMIE PUBLIQUE

Au moment de signer le procès-verbal, les représentants du Département politique fédéral et du Département fédéral de l'économie publique déclarent :

1) Qu'ils proposeront au Conseil fédéral de demander à la Banque nationale suisse de prêter ses bons offices dans tous les cas où l'organisation internationale du Travail rencontrerait des difficultés à se procurer les francs suisses dont elle aura besoin pour exercer son activité en Suisse.

2) Que le Conseil fédéral accepte, dès que les circonstances le lui permettront, de remplacer à l'article 27 paragraphe 4 de l'accord les mots « le Président de la Cour suprême des Pays-Bas » par « le Président de la Cour internationale de Justice ».

(Signé) Paul GUGGENHEIM

D. SECRETAN

M. KAUFMANN

ÉCHANGE DE NOTES
CONFIRMANT L'ENTRÉE EN VIGUEUR DE L'ACCORD
ET DE L'ARRANGEMENT

I

*Lettre du Directeur p.i. du Bureau international du Travail
au Chef du Département politique fédéral à Berne*

Montréal, le 28 mai 1946

Monsieur le Conseiller fédéral,

J'ai l'honneur et le plaisir de vous informer que l'Accord entre le Conseil fédéral suisse et l'Organisation internationale du Travail pour régler le statut juridique de cette Organisation en Suisse, et l'Arrangement d'exécution de cet Accord, qui sont annexés au procès-verbal adopté et signé le 11 mars 1946 sous la présidence de M. Albert Picot, Conseiller d'Etat de Genève, en la salle de l'Alabama, à Genève, ont été approuvés par le Conseil d'administration du Bureau international du Travail au cours de sa 98ème session, le 27 mai 1946, à Montréal.

Je vous prie de bien vouloir considérer la présente communication comme l'acceptation formelle, de la part de l'Organisation internationale du Travail, de l'Accord et de l'Arrangement d'exécution, aux fins de l'article 28 de l'Accord et de l'article 14 de l'Arrangement d'exécution.

Veillez agréer, etc.

(Signé) E. J. PHELAN
Directeur p.i.

II

*Lettre de M. Max Petitpierre, Chef du Département politique fédéral, à Berne,
au Directeur p.i. du Bureau international du Travail*

Berne, le 7 juin 1946

Monsieur le Directeur,

J'ai l'honneur d'accuser réception et de vous remercier de la lettre du 28 mai par laquelle vous avez bien voulu me faire savoir que le Conseil d'administration du Bureau international du Travail siégeant à Montréal le 27 mai a approuvé l'Accord entre le Conseil fédéral suisse et l'Organisation internationale du Travail et l'Arrangement d'exécution de cet Accord, qui ont pour but de régler le statut juridique de l'Organisation en Suisse.

De son côté, le Conseil fédéral a approuvé l'Accord et l'Arrangement d'exécution dans sa séance du 17 avril 1946, de telle sorte que, conformément à l'article 28 de l'Accord et à l'article 14 de l'Arrangement d'exécution, ces deux textes sont entrés en vigueur à la date du 27 mai.

Etant donné d'autre part que la dissolution de la Société des Nations mentionnée dans les deux articles précités s'est accomplie le 19 avril 1946, je considère que l'Accord et l'Arrangement d'exécution sont devenus applicables le jour même de leur entrée en vigueur.

Veillez agréer, etc.

(Signé) Max PETITPIERRE

7. EXCHANGE OF LETTERS¹ BETWEEN THE DIRECTOR-GENERAL OF THE INTERNATIONAL LABOUR ORGANISATION AND THE MINISTER EXTRAORDINARY AND PLENIPOTENTIARY OF PERU IN SWITZERLAND, CONCERNING THE LEGAL STATUS OF THE ILO FIELD OFFICE FOR LATIN AMERICA AT LIMA, MAY 1954²

6 May 1954
ILO, Geneva

Your Excellency,

I believe that for the purposes of the programme this organization plans to carry out in Latin America in the immediate future, it would be desirable to transfer to Lima the Field Office which the ILO has maintained for some years at Rio de Janeiro.

As your Government has always provided me with the means and facilities necessary to enable me to carry out expressly the tasks entrusted to me, I trust it will also give this proposal sympathetic consideration and will be prepared to accord the Field Office all the facilities and privileges it needs for the efficient performance of its work while it is maintained at Lima.

On receipt of your reply to this letter, all necessary steps will be taken to transfer the Field Office on a date which will be communicated subsequently to your Government.

I have the honour to be, etc.

(Signed) David A. MORSE
Director-General

His Excellency
Enrique P. Manchego,
Minister Extraordinary and Plenipotentiary
of Peru in Switzerland,
Berne.

8 May 1954
Berne

Peruvian Legation

Sir,

I am pleased to acknowledge receipt of your letter of 6 May in which you inform me that, in view of the programme which the ILO plans to carry out in Latin America in the near future, you have decided to transfer to Lima the Field Office which the ILO has maintained at Rio de Janeiro for some years, and ask me, in transmitting the information to my Government, to request it to accord the Field Office the facilities and privileges it needs for the efficient performance of its work while it is maintained at Lima.

In reply and in accordance with the instructions I have received from my Government, I have pleasure in informing you of the satisfaction with which the Peruvian Government regards your decision to transfer the Field

¹ Texts of letters provided in Spanish by the International Labour Office. Translation by the Secretariat of the United Nations.

² An agreement was signed on 22 June 1960 between the Government of Peru and the ILO. This agreement has not yet entered into force.

Office from Rio de Janeiro to the city of Lima and in further stating that, for as long as the Office is in operation at Lima, the Peruvian Government will accord to it and to the non-Peruvian officials on its staff, the facilities privileges and immunities laid down in Supreme Decree No. 69 of 18 February¹ of the current year concerning privileges granted by the Government to foreign diplomatic and consular officials and to the officials of international organizations and bodies.

My Government regards your decision as a further indication of your continuing interest in all problems affecting America and of your desire to intensify the activities of the International Labour Office in this region and instructs me to assure you that, as in the past, you may rely on its full support for the continuance of your programme for the benefit of the American peoples.

I have the honour to be, etc.

(Signed) Enrique P. MANCHEGO
Minister

Mr. David A. Morse
Director-General of the
International Labour Organisation,
Geneva.

18 May 1954
ILO, Geneva

Your Excellency,

I have the honour to acknowledge receipt of your letter of 8 May 1954 informing me of the Peruvian Government's consent to my request in connexion with the transfer to Lima of the ILO Field Office for Latin America which has for many years had its headquarters in the cities of São Paulo and Rio de Janeiro.

I have also taken note of your Government's decision to accord to the Field Office and to the non-Peruvian officials on its staff all the facilities, privileges and immunities laid down in Supreme Decree No. 69 of 18 February of the current year.

I shall be pleased to provide you in due course with details concerning the transfer of the Field Office to Lima. Meanwhile I should like to express my satisfaction at the solution reached. I also appreciate the decision of the Peruvian Government to continue to lend its valuable support to the work of the ILO.

I have the honour to be, etc.

(Signed) David A. MORSE
Director-General

His Excellency
Enrique P. Manchego,
Minister of Peru in Switzerland,
Peruvian Legation,
Berne.

¹ For this Decree, see the previous volume of this *Series* (ST/LEG/SER.B/10), under Peru.

8. AGREEMENT¹ BETWEEN THE INTERNATIONAL LABOUR ORGANISATION AND THE GOVERNMENT OF THE UNITED STATES OF MEXICO REGARDING THE ESTABLISHMENT OF A FIELD OFFICE AT MEXICO CITY AND THE PRIVILEGES AND IMMUNITIES NECESSARY FOR ITS OPERATION. SIGNED AT MEXICO CITY, ON 5 JANUARY 1955²

The Government of the United States of Mexico (hereinafter referred to as "the Government"), represented by Mr. Adolfo López Mateos, Minister of Labour and Social Security, of the first part, and

The International Labour Office (hereinafter referred to as "the Office"), represented by Mr. Luis Alvarado, Assistant Director-General of the International Labour Office, of the second part,

Hereby agree as follows:

Article I

ESTABLISHMENT AND FUNCTIONS OF THE FIELD OFFICE

The Government authorises the Office to establish a Field Office at Mexico City. Its functions shall be to furnish, at the request of the Governments concerned, technical assistance coming within the scope of the activities of the International Labour Organisation, as defined by its Constitution, and technical assistance in conformity with the principles governing the Expanded Technical Assistance Programme of the United Nations and its specialised agencies.

Article II

SCOPE

The scope of the activity of the Field Office shall extend to Mexico, the Republics of Central America and of the Caribbean area and any other Republics which may be added for reasons of practical convenience. The Director-General will inform the Mexican Government in advance of any addition or any other change affecting the scope of activity of the Field Office.

Article III

JURIDICAL PERSONALITY

The Field Office shall possess juridical personality. It shall have the capacity

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

¹ United Nations, *Treaty Series*, vol. 208, p. 227.

² Came into force on 5 January 1955, as from the date of signature, in accordance with article VI.

Article IV

PROPERTY

The Field Office and its property and assets shall enjoy immunity from legal process except in so far as in any particular case the Office has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

The premises of the Field Office and its archives shall be inviolable and its official correspondence and communications shall not be subject to any censorship.

The Field Office may freely hold funds or currency of any kind and operate accounts in any currency; it may freely transfer these funds or currency from Mexico to other countries and *vice versa* and within the territory of Mexico, and convert any currency held by it into any other currency.

The Field Office, its assets, income and other movable property shall be exempt:

- (a) From taxes; it is understood, however, that it will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) From customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Field Office for its official use; it is understood, however, that articles imported under such exemption will not be sold in Mexican territory except under conditions agreed to with the Government;
- (c) From customs duties and prohibitions and restrictions on imports and exports in respect of its publications and those which it may receive from the International Labour Office.

Article V

STATUS OF THE STAFF

The staff of the Field Office shall be immune from legal process in respect of acts performed by them in their official capacity.

Those members of the staff of the Field Office who are not of Mexican nationality shall be exempt from all taxation on the salaries and emoluments which they receive from the International Labour Office and shall also have the right to import free of duty their furniture and personal effects at the time of first taking up their posts in Mexico.

In addition to the immunities and privileges for which provision is made herein, the Director of the Field Office and those officials from the grade of Member of Division upwards who are on the establishment of the Field Office and are not of Mexican nationality shall have such privileges, exemptions and facilities as are accorded in international law and practice and are compatible with Mexican legislation.

In the exercise of all the rights conferred on it under the foregoing provisions, the Office shall have due regard to any representation made by the Government of Mexico.

The privileges and immunities for which provision is made in this Agreement are granted for the purpose of carrying into effect the aims of the International Labour Organisation and not for the personal benefit of its officials. The Director-General of the Office shall have the right and the duty to waive the immunity of any official in any case where such immunity

would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

Article VI

FINAL PROVISIONS

1. This Agreement shall enter into force on the date of its signature.

. . . .

9. AGREEMENT ¹ BETWEEN THE INTERNATIONAL LABOUR OFFICE AND THE GOVERNMENT OF THE REPUBLIC OF TURKEY CONCERNING THE SETTING UP IN ISTANBUL OF A MANPOWER FIELD OFFICE FOR THE NEAR AND MIDDLE EAST. SIGNED AT GENEVA, ON 21 MARCH 1952 ²

. . . .

Whereas the Government of the Republic of Turkey (hereinafter referred to as "the Government") has suggested that the Manpower Field Office which the International Labour Office (hereinafter referred to as "the Office") has decided to open for the countries of the Near and Middle East, be established in Istanbul, and the Office has accepted the suggestion, and

Whereas the Government has further informed the Office of its readiness to grant all facilities to the said Manpower Field Office in its work,

The Government and the Office have entered into this Agreement through their undersigned duly authorised representatives.

Article 1

The Office will set up in Istanbul a Manpower Field Office for the countries of the Near and Middle East to deal with problems related to manpower in general. The activities of the Field Office may include the following:

. . . .

Article 2

Pending the ratification by the Grand National Assembly of Turkey of the Convention on the Privileges and Immunities of the Specialised Agencies, the Government undertakes to grant to the Manpower Field Office in Istanbul and to its staff appointed by the Office privileges and immunities in accordance with the provisions of the Act No. 5598 of 15 March 1950 concerning the ratification of the Convention on the Privileges and Immunities of the United Nations.

¹ Text of Agreement provided by the International Labour Office.

² Approved by Act. No. 5947 of 6 June 1952 (Turkey, *Official Gazette*, 13 June 1952). See Article 6 of the Agreement.

Article 3

The Government undertakes to provide the Manpower Field Office in Istanbul with a suitable office building and necessary telephone, electricity and water installations within the building, as well as such part of office furniture as it may deem appropriate, it being understood that all other costs of the operation of the Manpower Field Office shall be borne by the Office.

Article 4

The Office shall be free, at its discretion, to transfer the Manpower Field Office from Turkey to any other country or altogether to wind up the Field Office. In case of such transfer or winding up, however, the Office shall give the Government three months' notice thereof and shall return to the Government, as they stand, the building and the furniture placed at its disposal in accordance with Article 3 above.

10. AGREEMENT ¹ BETWEEN THE INTERNATIONAL LABOUR OFFICE AND THE GOVERNMENT OF THE FEDERATION OF NIGERIA CONCERNING THE ESTABLISHMENT OF AN AFRICAN FIELD OFFICE IN LAGOS. SIGNED AT LAGOS, ON 14 JANUARY 1959 ²

Whereas the International Labour Organisation has decided to establish an African Field Office; and

Whereas it has been considered appropriate to set up that Field Office in Nigeria;

Whereas the Government of the Federation of Nigeria (hereinafter referred to as "the Government") has informed the International Labour Office of its readiness to grant all facilities to the African Field Office;

The Government of the Federation of Nigeria, being authorised in that behalf by Her Majesty's Government in the United Kingdom, and the International Labour Office have entered into this Agreement through their undersigned duly authorised representatives.

Article 1

The Government will welcome the establishment of the African Field Office of the International Labour Organisation at Lagos and will afford every assistance within its power in securing the necessary facilities for its establishment.

¹ Text of Agreement provided by the International Labour Office.

² Came into force on 14 January 1959, as from the date of signature, in accordance with article 5.

Article 3

The Government shall grant to the Field Office and to its staff the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialised Agencies.

Article 4

The Government shall afford the International Labour Office every assistance within its power in securing appropriate office accommodation and necessary telephone, electricity and water installations.

Article 5

1. This Agreement shall come into force immediately on signature by the representatives of both parties.

2. The Agreement will remain in force while the African Field Office remains established in Lagos.

3. The Agreement may be modified by mutual consent. Each party shall give full and sympathetic consideration to any request for such modification.

In witness whereof the undersigned, duly authorised representatives of the Government of the Federation of Nigeria and the International Labour Office respectively, have, on behalf of the Parties, signed the present Agreement at Lagos this 14th day of January, 1959, in two copies in the English language.

11. CONVENTION ON INTERNATIONAL CIVIL AVIATION,
OPENED FOR SIGNATURE AT CHICAGO, 7 DECEMBER
1944^{1 2}

Article 47

The Organization shall enjoy in the territory of each contracting State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

¹ United Nations, *Treaty Series*, vol. 15, p. 295.

² States which are parties (up to 1 January 1960): Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Germany (Fed. Rep.), Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Rep. of), Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Viet-Nam (Rep. of).

12. ÉCHANGE DE LETTRES CONSTITUANT UN ACCORD ¹
 ENTRE L'ORGANISATION PROVISOIRE DE L'AVIATION
 CIVILE INTERNATIONALE ET LE GOUVERNEMENT DE
 LA RÉPUBLIQUE FRANÇAISE RELATIF AUX PRIVILÈGES
 ET IMMUNITÉS. PARIS, 28 FÉVRIER ET 14 MARS 1947 ²

I

Lettre du Gouvernement de la République française

MINISTÈRE DES AFFAIRES ÉTRANGÈRES
 SecrÉTARIAT DES CONFÉRENCES

Paris, le 28 février 1947

Monsieur le Directeur,

J'ai l'honneur de vous adresser ci-joint un projet d'accord entre le Gouvernement français et l'Organisation provisoire de l'aviation civile internationale.

Les représentants des services compétents du Gouvernement ont été appelés à examiner le projet rédigé par les soins de l'OPACI. Cette étude les a conduits à établir un second projet qui, tout en respectant dans leur ensemble les dispositions essentielles de votre projet d'accord, comporte certaines modifications destinées à le rendre plus conforme avec la terminologie juridique ainsi qu'avec la législation française en vigueur.

Afin de faciliter l'installation à Paris de l'Office régional pour la zone Europe-Méditerranée, le Gouvernement français est disposé à accorder immédiatement à l'OPACI le bénéfice des dispositions du projet d'accord ci-joint.

Je vous serais donc obligé de me faire savoir si ces dispositions ne soulèvent pas d'objection de votre part. Si tel est le cas, celles-ci pourraient dès maintenant être appliquées.

Il va sans dire que cet échange de lettres laisserait entièrement ouvertes les possibilités de négociations qui pourraient à ce sujet intervenir ultérieurement entre le Gouvernement français et la future Organisation permanente de l'aviation civile internationale.

Je vous prie d'agréer, Monsieur le Directeur, l'assurance de ma considération la plus distinguée.

(Signé) FOUQUES-DUPARC

Monsieur le Représentant de l'OPACI à Paris
 70, avenue d'Iéna

ACCORD ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE ET
 L'ORGANISATION PROVISOIRE DE L'AVIATION CIVILE INTERNATIONALE

En vue d'assurer à l'Organisation provisoire de l'aviation civile internationale, et notamment à son Office régional pour la zone Europe-Médi-

¹ Nations Unies, *Recueil des Traités*, vol. 94, p. 60.

² Entré en vigueur le 14 mars 1947, par l'échange desdites lettres. Un accord à peu près identique a été conclu entre cette Organisation et le Gouvernement du Pérou, en date du 22 octobre 1948 (*ibid.*, vol. 95, p. 3).

terranée, les privilèges, immunités et facilités indispensables à son fonctionnement sur le territoire français,

Le Gouvernement de la République française et l'Organisation provisoire de l'aviation civile internationale

Sont convenus des dispositions suivantes :

Article premier. — L'Organisation de l'aviation civile internationale a la personnalité civile.

Pour atteindre ses buts et s'acquitter de ses fonctions elle jouit de la capacité :

- a) de contracter,
- b) d'acquérir et d'aliéner des biens immobiliers et mobiliers,
- c) d'ester en justice.

Article 2. — L'Organisation jouit de l'immunité de juridiction. Aucune action ne peut être intentée contre elle en justice, sauf si elle renonce expressément à cette immunité pour une instance particulière ou si cette renonciation résulte des clauses d'un contrat.

Article 3. — Les locaux où l'Organisation exerce son activité ainsi que les archives et, d'une manière générale, tous les documents lui appartenant ou détenus par elle sont inviolables.

Toutefois, l'Organisation ne permettra pas que l'immeuble serve de refuge à une personne contre laquelle un mandat de justice aura été lancé par les autorités françaises.

Article 4. — Les biens appartenant à l'Organisation sont insaisissables. Ils ne peuvent faire l'objet de mesures de réquisition.

Ils ne peuvent non plus faire l'objet de mesures d'expropriation si ce n'est pour cause d'utilité publique et après accord entre l'Organisation et le Gouvernement.

Article 5. — Nonobstant tout contrôle, réglementation ou moratoire financier de quelque nature que ce soit, l'Organisation provisoire de l'aviation civile internationale peut recevoir toutes sommes et valeurs quelconques, libellées dans quelque monnaie que ce soit et en disposer librement.

Article 6. — L'Organisation est exonérée du versement de tout impôt direct. Toutefois, elle acquitte les taxes pour services rendus.

L'Organisation est exonérée de tous droits et taxes perçus par l'administration des douanes sur les objets importés par elle pour son usage officiel ainsi que sur les publications, films cinématographiques, vues fixes, documents photographiques qu'elle édite et le papier qu'elle pourra importer en France.

Il est entendu toutefois que les objets importés en franchise ne seront pas vendus sur le territoire français à moins que ce ne soit à des conditions qui auront fait l'objet d'un accord avec les autorités françaises.

Article 7. — L'Organisation acquittera dans les conditions du droit commun les taxes indirectes qui entrent dans le prix des marchandises vendues.

Article 8. — Le Gouvernement français accorde à l'Organisation, pour ses liaisons postales, téléphoniques, télégraphiques, radiotéléphoniques, radio-

télégraphiques et radiotéléphotographiques un traitement au moins aussi favorable que celui qu'il accorde ou peut accorder aux représentations diplomatiques accréditées auprès de lui, notamment en ce qui concerne les affranchissements, tarifs et taxes postaux, les priorités de correspondance, l'usage d'un chiffre.

Il facilitera, par tous moyens, les communications que le Directeur de l'Office régional à Paris et ses principaux collaborateurs peuvent être amenés à faire par la voie de la presse et de la radio.

Les correspondances et communications de l'Organisation ne pourront être retardées sauf en cas de force majeure.

Article 9. — Les représentants des États membres de l'Organisation de l'Aviation civile internationale aux Conférences convoquées par l'Organisation jouiront, dans l'exercice de leurs fonctions et au cours du voyage à destination ou en provenance du lieu de la réunion, des facilités, privilèges et immunités qui sont reconnus aux membres des représentations diplomatiques accréditées auprès du Gouvernement français. Il est entendu qu'à cet effet, l'Organisation communiquera en temps utile aux autorités françaises la liste des délégués qu'elle convoquera à ses conférences.

Bénéficient des facilités, privilèges et immunités prévus au paragraphe précédent, les représentants des États membres et leurs suppléants, ainsi que les conseillers, conseillers techniques et experts.

Article 10. — Tous fonctionnaires de l'Organisation :

1) Jouiront de l'immunité à l'égard de toute action judiciaire pour les actes accomplis dans l'exercice de leurs fonctions ;

2) Seront exonérés de tout impôt direct sur les traitements et émoluments qui leur seront versés par l'Organisation ;

3) Ne seront pas soumis, non plus que leurs conjoints et enfants mineurs, aux dispositions de droit commun fixées par la législation relative aux étrangers ;

4) Jouiront, en ce qui concerne le change, des mêmes facilités que celles qui sont accordées aux membres des représentations diplomatiques accréditées auprès du Gouvernement français ;

5) Jouiront, ainsi que leurs conjoints et enfants mineurs, des mêmes facilités de rapatriement que celles qui sont accordées aux membres des représentations diplomatiques accréditées auprès du Gouvernement français, en période de tension internationale.

Article 11. — Le Directeur de l'Office régional de Paris, son adjoint, leurs conjoints et leurs enfants mineurs jouiront des privilèges, immunités, exceptions et facilités accordés aux membres des missions diplomatiques accréditées auprès du Gouvernement français, à leurs conjoints et enfants mineurs, conformément au droit et aux usages internationaux. Toutefois, ils ne pourront se prévaloir, devant les tribunaux du pays dont ils sont ressortissants, de l'immunité à l'égard des poursuites judiciaires visant des faits étrangers à leurs fonctions.

Article 12. — Ces privilèges et immunités sont accordés aux fonctionnaires dans l'intérêt de l'Organisation et non pour leur assurer un avantage personnel. Le Directeur pourra consentir à la levée de l'immunité accordée à

un fonctionnaire si, à son avis, on peut la lever sans porter préjudice aux intérêts de l'Organisation.

Article 13. — Le Gouvernement français prendra les mesures nécessaires pour assurer à tout moment, entre le siège de l'Organisation et les frontières du territoire,

La circulation des personnes appelées à participer aux travaux de l'Organisation ou invitées par elle,

L'acheminement de la correspondance et des télégrammes;

Et le transport des marchandises destinées à l'Organisation.

Article 14. — L'Organisation et le Gouvernement français détermineront d'un commun accord la procédure et les conditions selon lesquelles l'accès ou la sortie du territoire français, le séjour en territoire français et le transit à travers le territoire français seront facilités à tout moment aux personnes appelées à participer aux travaux de l'Organisation ou invitées par elle.

Article 15. — Sous réserve de ne point porter atteinte à l'indépendance et au bon fonctionnement de l'Organisation, le Gouvernement français peut prendre toute mesure de précautions indispensables à la sécurité nationale.

Article 16. — L'Organisation bénéficiera, dans l'immeuble qui est mis à sa disposition, de la fourniture de l'électricité, de l'eau et du gaz ainsi que des services de voierie.

En cas de force majeure entraînant une interruption partielle ou totale de ces services, les besoins de l'Organisation seront considérés par le Gouvernement français comme étant de même importance que ceux de ses propres administrations.

Article 17. — Le Gouvernement français prendra les mesures de police nécessaires à la protection du siège de l'Organisation et au maintien de l'ordre dans son voisinage immédiat.

Sur la demande du Directeur général, le Gouvernement français fournira les forces de police qui pourraient être nécessaires au maintien de l'ordre à l'intérieur de l'immeuble.

Article 18. — L'Organisation coopérera constamment avec les autorités françaises compétentes en vue de faciliter la bonne administration de la justice, d'assurer l'exécution des règlements de police et d'éviter tout abus auquel pourraient donner lieu les immunités et facilités prévues dans le présent accord.

Article 19. — L'Organisation prendra des dispositions prévoyant des modes de règlement appropriés pour:

1) Les différends résultant de contrats ou autres différends de droit privé dans lesquels l'Organisation serait partie;

2) Les différends dans lesquels serait impliqué un fonctionnaire de l'Organisation qui, du fait de sa situation officielle, jouit de l'immunité, si cette immunité n'a pas été levée par le secrétaire exécutif.

Article 20. — Tout désaccord survenant entre le Directeur Général et le Gouvernement français sur l'interprétation ou l'application du présent arrangement provisoire, ou de toute convention ou accord complémentaire qui ne serait pas réglé par voie de négociation, sera soumis à la décision d'un

arbitre désigné d'un commun accord ou, faute d'accord à cet effet, désigné par le président de la Cour internationale de Justice.

Article 21. — Le présent accord est conclu pour une période indéterminée.

Il entrera en vigueur au moment où, ayant été approuvé par le Conseil de l'Organisation provisoire de l'aviation civile internationale et par le Gouvernement français, il sera signé par le Secrétaire général de l'Organisation ou son Représentant à Paris, d'une part, et par un Représentant dûment mandaté du Gouvernement français, d'autre part.

Il restera en vigueur après l'établissement de l'Organisation permanente de l'aviation civile internationale, en vertu de la Convention en date à Chicago du 7 décembre 1944¹.

Article 22. — Le présent accord est sujet à révision, à la demande de l'une ou l'autre partie, qui se concerteront et s'entendront quant aux modifications éventuelles à y apporter.

II

Lettre du représentant de l'OPACI à Paris

LE REPRÉSENTANT DE L'OPACI À PARIS

Paris, 14 mars 1947

Monsieur le Ministre,

J'ai l'honneur d'accuser réception de la lettre en date du 28 février 1947 par laquelle vous avez bien voulu m'adresser le projet d'accord entre le Gouvernement français et l'Organisation provisoire de l'aviation civile internationale, projet rédigé par les soins de vos services.

C'est avec une grande satisfaction que nous avons pris connaissance de ce texte. Le Gouvernement français, afin de faciliter l'installation de l'Office régional pour la zone Europe-Méditerranée à Paris, étant disposé à lui accorder immédiatement le bénéfice de toutes les dispositions de ce Projet d'accord, j'ai l'honneur de donner mon plein et entier agrément à la solution que vous me proposez.

En outre, je suis dès maintenant autorisé par le Conseil de l'Organisation provisoire de l'aviation civile internationale, à signer l'accord qui, conformément à l'Article 21, restera en vigueur après l'établissement — en vertu de la Convention signée à Chicago le 7 décembre 1944 — de l'Organisation permanente de l'aviation civile internationale.

Et, comme vous avez bien voulu le préciser, il est entendu que cet échange de lettres laisse entièrement ouverte la possibilité de négociations qui pourront intervenir ultérieurement à ce sujet entre, d'une part, le Gouvernement français et, d'autre part, l'Organisation de l'aviation civile internationale une fois qu'elle aura été constituée.

Je vous prie d'agréer, Monsieur le Ministre, les assurances de ma haute considération.

(Signé) BEDIN

Monsieur le Ministre des affaires étrangères
Secrétariat des conférences

¹ Nations Unies, *Recueil des Traités*, vol. 15, p. 295; vol. 26, p. 420; vol. 32, p. 402; vol. 33, p. 352; vol. 44, p. 346, et vol. 51, p. 336.

13. AGREEMENT¹ BETWEEN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION AND THE GOVERNMENT OF CANADA REGARDING THE HEADQUARTERS OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION. SIGNED AT MONTREAL, ON 14 APRIL 1951²

The International Civil Aviation Organization and the Government of Canada,

Desiring to conclude an Agreement on privileges, immunities and facilities by reason of the location in the territory of Canada of the Headquarters of the International Civil Aviation Organization,

Have appointed as their Representatives for this purpose:

The International Civil Aviation Organization:

Edward WARNER, President of the Council of the Organization
and

The Government of Canada:

Lester Bowles PEARSON, Secretary of State for External Affairs

Who have agreed as follows:

Article I

DEFINITIONS

Section 1

In this Agreement:

(a) The expression "Organization" means the International Civil Aviation Organization, set up under Article 43 of the Convention on International Civil Aviation, signed at Chicago on December 7, 1944;³

(b) The expression "headquarters premises" means any building or part of a building occupied permanently or temporarily by any unit of the Organization or by meetings convened in Canada by the Organization, including the offices occupied by resident Representatives of Member States;

(c) For the purpose of Article II of this Agreement, the word "assets" shall also include funds administered by the Organization in furtherance of its constitutional functions;

(d) The expression "Convention" means the General Convention on Privileges and Immunities of the United Nations,⁴ as acceded to by Canada;

(e) The expression "Member States" means the States which are parties to the Convention on International Civil Aviation;

(f) The expression "Representatives of Members" means representatives of States that are members of the International Civil Aviation Organ-

¹ United Nations, *Treaty Series*, vol. 96, p. 156.

² Came into force on 1 May 1951, by an exchange of notes in accordance with article IX, section 41.

³ United Nations, *Treaty Series*, vol. 15, p. 295; vol. 26, p. 420; vol. 32, p. 402; vol. 33, p. 352; vol. 44, p. 346, and vol. 51, p. 336.

⁴ United Nations, *Treaty Series*, vol. 1, pp. 15 and 263; vol. 4, p. 461; vol. 5, p. 413; vol. 6, p. 433; vol. 7, p. 353; vol. 9, p. 398; vol. 11, p. 406; vol. 12, p. 416; vol. 14, p. 490; vol. 15, p. 442; vol. 18, p. 382; vol. 26, p. 396; vol. 42, p. 354; vol. 43, p. 335; vol. 45, p. 318; vol. 66, p. 346, and vol. 70, p. 266.

ization and shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations, which secretaries include the equivalent of third secretaries of diplomatic mission but not the clerical staff;

(g) The expression "Senior Officials" shall be deemed to include the following officials of the Organization:

- (i) The President of the Council;
- (ii) The Secretary-General;
- (iii) The Deputy Secretary-General;
- (iv) The Assistant Secretaries-General.

Article II

THE ORGANIZATION

Section 2

The Organization shall possess juridical personality. It shall have the legal capacities of a body corporate, including the capacity:

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

Section 3

The Organization, its property and its assets, wherever located and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by foreign governments, except to the extent that the Organization may expressly waive this immunity for the purpose of any proceedings or by the terms of any contract. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 4

(1) The headquarters premises of the Organization shall be inviolable.

(2) The property and assets of the Organization, 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, except with the consent of and under the conditions agreed to by the Secretary-General of the Organization. This section shall not prevent the reasonable application of fire protection regulations.

(3) The Organization shall, however, prevent the headquarters premises from becoming a refuge either for persons who are avoiding arrest or for persons who are endeavouring to avoid service or execution of legal process.

Section 5

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

Section 6

The Organization, its assets, income and property, owned or occupied in Canada, shall be:

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

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

(c) Exempt from any prohibition or restriction on import, export or sale of its publications and exempt from customs duties and excise taxes in respect thereof.

Section 7

When goods are purchased under appropriate certificates from manufacturers or wholesalers who are licenced under the Excise Tax Act, the Organization should be eligible to claim for the remission or refund of the Excise tax and/or Consumption or Sales tax for goods imported or purchased in Canada for the official use of the Organization as a body, provided, however, that any article which is exempted from these taxes, other than publications of the Organization, shall be subject thereto at existing rates if sold or otherwise disposed of within a period of one year from the date of purchase, and the vendor shall be liable for such tax.

Section 8

The Organization may hold funds, gold or currency, of any kind and operate accounts in any currency and it shall be free to transfer its funds, gold or currency, from one country to another or within Canada and to convert any currency held by it into any other currency. However, the Organization shall acquire Canadian dollars in exchange for foreign currencies only through an authorized dealer of the Foreign Exchange Control Board. The Organization, in exercising the rights provided in this Section, shall pay due regard to any representations made by the Government of Canada in so far as it is considered that effect can be given to such representations without detriment to the interests of the Organization.

Section 9

The Organization shall enjoy in the territory of Canada for its official communications treatment not less favourable than that accorded by the Government of Canada to any foreign government including its diplomatic mission in the matter of priorities and rates on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio.

Section 10

No censorship shall be applied to the official correspondence and other official communications of the Organization. The Organization shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags. Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the Organization and the Government of Canada.

Section 11

(1) Any aircraft owned, operated or chartered by the Organization, by Representatives of Members or by officials of the Organization, when used on official business or for or in connection with official meetings of the Organization, does not need prior permission for entry into or departure from Canadian territory, provided that notice be given to appropriate Canadian aeronautical authorities, and provided that any aircraft used will be subject to the standard Air Traffic Rules and Procedures and Air Regulations of Canada when operating within the territorial limits of Canada.

(2) In the event that the Organization should find it necessary and desirable to establish or operate an aerodrome, or maintain on a Canadian aerodrome aircraft for its use or for the use of the Representatives of Members or of officials of the Organization, the conditions for the location, use and operation of such an aerodrome, the conditions for the maintenance of aircraft on a Canadian aerodrome and the conditions under which there shall be entry into and exit therefrom, shall be the subject of a supplementary agreement.

Article III

REPRESENTATIVES OF MEMBERS

Section 12

Except in so far as in any particular case any privilege or immunity is waived by the Member States whom they represent, Representatives of Members, while exercising their functions and during their journey to and from the place of meeting, shall enjoy the following privileges and immunities:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as Representatives, immunity from legal process of every kind; this immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer the Representatives of Members;

(b) Inviolability for all papers and documents;

(c) The right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) Exemption in respect of themselves and their spouses and relatives dependent on them from immigration restrictions, aliens registration or national service obligations;

(e) The same facilities in respect of currency or exchange restrictions as are accorded to diplomatic envoys;

(f) The privilege of exemption (in respect of themselves and their families) from examination of baggage and other effects and admission thereof free of duty and taxes;

(g) The privilege of admission of articles for their personal or family use free of duty and taxes at all times, provided that any article which was exempted from duty and taxes shall be subject thereto at the existing rates if sold or otherwise disposed of in Canada within a period of one year in the case of articles other than motor vehicles, and two years in the case of motor vehicles, from the date of acquisition and the vendor shall be liable for such duties and taxes;

(h) The privilege of exemption from excise duty imposed under the Excise Act on domestic spirits and tobacco purchases from licensed manufacturers in Canada;

(i) The privilege of exemption from excise and/or sales tax on domestic spirits, wine and tobacco products when purchased direct from licensed manufacturers for the personal use of the applicant, and on automobiles, ale, beer and stout when purchased under appropriate certificate from licensed manufacturers, provided that any article which was exempted from these taxes shall be subject thereto at the existing rates if sold or otherwise disposed of within a period of one year from the date of purchase and the vendor shall be liable for such tax;

(j) Exemption from federal income tax as the Government of Canada accords to diplomatic envoys.

Section 13

Where the incidence of any form of taxation depends upon residence, periods during which the Representatives of Members are present in Canada for the discharge of their duties shall not be considered as periods of residence.

Section 14

Privileges and immunities are accorded to the Representatives of Members, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Organization. Consequently a Member State not only has the right but is under a duty to waive the immunity of its Representative in any case where in the opinion of the Member State the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 15

No person shall be entitled to the provisions of Section 12 unless and until the name and status of this person shall have been duly notified to the Secretary of State for External Affairs as a Representative of a Member State.

Section 16

At the end of their missions no impediment, including taxation or restriction of exchange, shall be imposed to repatriation to foreign countries of assets held in the territory of Canada by Representatives of Members and their families.

Section 17

The provisions of Sections 12, 13 and 16 shall not apply to a Representative of Canada or to any Canadian citizen residing or ordinarily resident in Canada.

Section 18

The Government of Canada shall not levy death taxes or succession duties on or in respect of property acquired for or incidental to residence in Canada by deceased Representatives of Members who were not Canadian citizens at the date of death. The Government of Canada shall make no impediment to repatriation of such tax and duty-free property.

Article IV

OFFICIALS OF THE ORGANIZATION

Section 19

The President of the Council and the Secretary-General of the Organization shall be accorded, in respect of themselves, their spouses and minor children, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic envoys in Canada.

Section 20

Except in so far as in any particular case any privilege or immunity is waived by the Organization, the Senior Officials, other than those specified in Section 19 shall:

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

(b) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens registration or national service obligations;

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

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

(f) Enjoy the privilege of exemption in respect of themselves and families from examination of baggage and other effects and admission thereof free of duty and taxes;

(g) Enjoy the privilege of admission of articles for their personal or family use free of duty and taxes at all times, provided that any article which was exempted from duty and taxes shall be subject thereto at the existing rates if sold or otherwise disposed of in Canada within a period of one year in the case of articles other than motor vehicles, and two years in the case of motor vehicles, from the date of acquisition and the vendor shall be liable for such duties and taxes;

(h) Be eligible to claim for the exemption from excise duty imposed under the Excise Act on domestic spirits and tobacco purchased from licensed manufacturers in Canada;

(i) Be eligible to claim exemption from excise and/or sales tax on domestic spirits, wine and tobacco products when purchased direct from licensed manufacturers for the personal use of the applicant, and on automobiles, ale, beer and stout when purchased under appropriate certificate from licensed manufacturers, provided that any article which was exempted from these existing rates if sold or otherwise disposed of within a period of one year from the date of purchase and the vendor shall be liable for such tax.

Section 21

The Government of Canada shall not levy death taxes or succession duties on or in respect of property acquired for or incidental to residence in Canada

by deceased Senior Officials who were not Canadian citizens at date of death. The Government of Canada shall make no impediment to the repatriation of such tax and duty-free property.

Section 22

Except in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the Organization, other officials shall:

- (a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens registration;
- (c) Be immune from national service obligations;
- (d) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (e) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable ranks forming part of diplomatic missions in Canada;
- (f) Have the right to import free of duty their furniture and effects, including motor vehicles but not including spirituous liquors, at the time of first taking up their post in Canada;
- (g) Be exempt from taxation on the salaries and emoluments paid to them by the Organization.

Section 23

At the termination of their employment no impediment, including taxation or restriction of exchange, shall be imposed to repatriation to foreign countries of assets held in the territory of Canada by officials and their families.

Section 24

The provisions of Sections 19, 20 (d) - (i) inclusive, 22 (e) - (g) inclusive and 23 shall not apply to any Canadian citizen residing or ordinarily resident in Canada. Moreover, an official of the Organization who is or becomes a resident of Canada upon retirement will not enjoy exemption from taxation on the pension which may be paid to him by the Organization.

Section 25

Privileges and immunities have been granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Secretary-General of the Organization shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization. In the case of the President of the Council and the Secretary-General of the Organization, the Council of the Organization shall have the right to waive the immunity.

Section 26

The Secretary-General of the Organization shall specify the categories of officials to whom the provisions of Section 22 shall apply. He shall submit these categories to the Secretary of State for External Affairs for his concurrence. The names of the officials included in these categories shall be notified to the Secretary of State for External Affairs.

Article V

OTHER ENTRY FACILITIES

Section 27

The Government of Canada shall permit and facilitate the entry into Canada of:

(a) Representatives of the press, or of radio, film or other information agencies who have been accredited to the Organization after consultation with the Government of Canada;

(b) Representatives of the United Nations or of Specialized Agencies required to attend the headquarters premises on official business.

Article VI

ABUSE OF PRIVILEGES

Section 28

If the Government of Canada considers that there has been an abuse of privilege or immunity conferred by this Agreement, consultations will be held between the Government of Canada and the Organization to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the Government of Canada and to the Organization, the question as to whether an abuse of privilege or immunity has occurred shall be submitted to the International Court of Justice. If the International Court of Justice finds that such an abuse has occurred, the Government of Canada shall have the right, after notification to the Organization, to withhold the benefits of the privilege or immunity so abused.

Section 29

The Government of Canada may not require Representatives of Members or officials to leave the country on account of any activities performed by them in their official capacity. In the case, however, of the abuse of privileges of residence by these persons resulting from activities outside their official functions, the Government of Canada may require any such person to leave provided that:

(a) Representatives of Members and Senior Officials shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to Canada;

(b) Other officials shall not be required to leave the country other than with the approval of the Secretary of State for External Affairs after consultation with the Secretary-General of the Organization; and, if expulsion proceedings are taken, the Secretary-General of the Organization shall have the right to appear in any such proceedings on behalf of the person against whom they are instituted.

Article VII

SETTLEMENT OF DISPUTES

Section 30

The Organization shall make adequate provision for appropriate modes of settlement of:

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

(b) Disputes involving any official of the Organization if his immunity has not been waived in accordance with Section 25.

Section 31

(1) Any dispute between the Organization and the Government of Canada concerning the interpretation or application of this Agreement or of any supplementary agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the President of the Council of the Organization, one to be named by the Secretary of State for External Affairs, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

(2) The President of the Council of the Organization or the Government of Canada may ask the Assembly of the Organization to request of the International Court of Justice an advisory opinion on any legal question arising in the course of the arbitral proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed by both parties. Thereafter, the arbitral tribunal shall render a final decision having regard to the opinion of the Court.

Article VIII

FINAL CLAUSES

Section 32

The Government of Canada shall recognize and accept United Nations laissez-passer held by officials of the Organization as valid travel documents.

Section 33

The Government of Canada shall issue, on request, diplomatic visas to Representatives of Members and, as may be appropriate, diplomatic or courtesy visas to Officials of the Organization.

Section 34

This Agreement shall cease to be in force if the seat of the Organization is removed from the territory of Canada, except for such provisions as may be applicable in connection with the orderly termination of the operations of the Organization at its seat in Canada and the disposition of its property therein.

Section 35

This Agreement shall be construed in the light of its primary purpose, that is to enable the Organization at its headquarters in Canada fully and efficiently to discharge its responsibility and fulfil its purposes.

Section 36

This Agreement is subject to revision at the request of either of the Parties, who shall consult each other and mutually agree on any alterations to be made.

The Secretary-General of the Organization may conclude with the Government of Canada supplementary agreements adjusting the provisions of this Agreement so far as this is deemed desirable.

Section 37

In case of interruption or threatened interruption of public services, e.g., telephone, telegraph, transportation, etc., the Government of Canada will

consider the needs of the Organization as being of equal importance with the similar needs of its essential agencies and attempt to ensure that the work of the Organization is not prejudiced.

Section 38

The Organization shall facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Agreement.

Article IX

MISCELLANEOUS PROVISIONS

Section 39

It is agreed that no form of racial or religious discrimination shall be permitted in the operation of this Agreement.

Section 40

Nothing in this Agreement shall be construed as in any way diminishing, abridging, or weakening the right of the Canadian authorities to safeguard the security of Canada, provided the Organization shall be immediately informed in the event that the Canadian Government shall find it necessary to take any action against any person enumerated in the Agreement.

Section 41

This Agreement shall enter into force in accordance with an Exchange of Notes between the President of the Council and the Representative of the Government of Canada.

. . .

14. AGREEMENT ¹ BETWEEN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION AND THE GOVERNMENT OF EGYPT REGARDING PRIVILEGES, IMMUNITIES AND FACILITIES IN EGYPTIAN TERRITORY. SIGNED AT CAIRO, ON 27 AUGUST 1953 ²

The GOVERNMENT OF EGYPT on the one part and the INTERNATIONAL CIVIL AVIATION ORGANIZATION on the other,

DESIRING to conclude an Agreement for the purpose of determining the privileges, immunities and facilities to be granted by the Government of Egypt to the International Civil Aviation Organization, to the representatives of its members and to its experts and officials, in particular with regard to its arrangements in the Middle East Region, and to regulate other related matters,

¹ United Nations, *Treaty Series*, vol. 215, p. 372.

² Came into force on 25 May 1954, in accordance with section 35, having been ratified by the Government of Egypt on 14 April 1954, and adopted by the Council of the International Civil Aviation Organization at the second meeting of its twenty-second session on 25 May 1954.

HAVE AGREED AS FOLLOWS:

Article I

DEFINITIONS

Section 1

In this Agreement:

(a) The word "Organization" means the International Civil Aviation Organization, set up under Article 43 of the Convention on International Civil Aviation, signed at Chicago on 7 December 1944;

(b) For the purposes of Article IV the words "property and assets" "funds, notes, coins and securities" or "assets, income and other property" shall be deemed to include property, assets and funds administered by the Organization under the Convention on International Civil Aviation and/or in furtherance of its constitutional functions;

(c) The expression "Member States" means the States which are parties to the Convention on International Civil Aviation;

(d) The expression "representatives of members" means representatives of States that are members of the International Civil Aviation Organization and shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of Delegations, which secretaries include the equivalent of third secretaries of diplomatic missions but not the clerical staff;

(e) The words "principal or subsidiary organs" shall be deemed to include the Assembly, the Council, the Air Navigation Commission, the Air Transport Committee, any meeting or conference held in the Middle East Region and any of the subdivisions of all such organs as well as the Secretariat and the Regional Office in Cairo;

(f) For the purposes of Sections 4, 6, 16 and 17 the words "freedom of meeting" or "meeting of the Organization" shall be deemed to include all institutional meetings of the principal or subsidiary organs of the Organization as well as all Conferences or Meetings convened by the Organization under the authority or auspices of the Organization in Egypt.

Article II

JURIDICAL PERSONALITY

Section 2

The Organization shall possess juridical personality and legal capacity and, in particular, capacity:

(a) To contract;

(b) In conformity with the Egyptian laws to acquire and dispose of immovable and movable property, and

(c) To institute legal proceedings.

Article III

FREEDOM OF ACTION

Section 3

The Organization and its principal or subsidiary organs shall have in Egypt the independence and freedom of action belonging to an international organization according to international practice.

Section 4

The Organization, its principal or subsidiary organs as well as its members and the representatives of members in their relations with the Organization, shall enjoy in Egypt absolute freedom of meeting, including freedom of discussion and decision.

Article IV

PROPERTY, FUNDS AND ASSETS

Section 5

The Organization and its property and assets located in Egypt shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity is expressly waived by the Secretary-General of the Organization, or the Director of the Middle East Office as his duly authorized representative. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 6

(1) The premises of the Organization in Egypt or any premises in Egypt occupied by the Organization in connexion with a meeting of the Organization shall be inviolable.

(2) Such premises and the property and assets of the Organization in Egypt shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action, except in the case of expropriation for reasons of public utility and against just compensation.

Section 7

The archives of the Organization, and in general all documents belonging to it or held by it in Egypt shall be inviolable.

Section 8

(1) The Organization may receive and hold funds, notes, coins and securities of any kind and may dispose of them freely both within Egypt and in its relations with other countries.

(2) This Section shall also apply to members of the Organization in their relations with the Organization.

Section 9

The Government of Egypt shall provide for the Organization at the most favourable rate officially recognized, its national currency to the amount required to meet the expenditure of the Organization in Egypt or other parts of the Middle East Region.

Section 10

In exercising its rights under Sections 8 and 9, the Organization shall pay due regard to any representations made by the Government of Egypt in so far as the Organization considers that effect can be given to such representations without detriment to its interests.

Section 11

The Organization, its assets, income and other property shall be:

(a) Exempt from all direct and indirect taxes. It is understood, however

that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

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

(c) Exempt from customs duties, prohibitions and restrictions on imports and exports in respect of their publications.

Section 12

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

Article V

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 13

The Organization shall enjoy in Egypt for its official communications, treatment not less favourable than that accorded by the Government of Egypt to any other Government, including its diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications and press rates for information to the press and radio.

Section 14

(1) No censorship shall be applied to the duly authenticated official communications of the Organization.

(2) The Organization shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article VI

REPRESENTATIVES OF MEMBERS

Section 15

Representatives of members of the Organization on its principal or subsidiary organs and at conferences or meetings convened by the Organization and who are not of Egyptian nationality, shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind.

(b) Inviolability for all papers and documents.

(c) The right to use codes and despatch or receive papers or correspondence by courier or in sealed bags.

(d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in Egyptian territory.

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

(f) The same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions of comparable rank.

(g) Such other privileges, immunities and facilities not inconsistent with the foregoing as members of diplomatic missions of comparable rank enjoy, except that they shall have no right to claim exemption from customs duties on articles imported (otherwise than as part of their personal baggage) or from indirect taxes or sales taxes.

Section 16

In order to secure for the representatives of members of the Organization at a meeting of the Organization complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 17

If the incidence of any form of taxation depends upon residence in Egypt, periods during which the representatives of members of the Organization are present at a meeting of the Organization in Egypt for the discharge of their duties shall not be considered as periods of residence.

Section 18

Privileges and immunities are accorded to the representatives of members of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Organization. Consequently, a member not only has the right, but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the member, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded. In any such case in which one of the persons designated to serve on it is concerned, the Council of the Organization shall be under the same duty.

Section 19

The Organization will as far as possible communicate in advance to the Government of Egypt a list of the representatives invited to its conferences or meetings.

Article VII

EXPERTS ON MISSIONS FOR THE ORGANIZATION

Section 20

Experts and consultants other than those under Section 1 (d) or officials who come within the scope of Article VI or VIII respectively and who

perform missions for the Organization shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connexion with their missions. In particular, they shall be accorded:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage and in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind.

This immunity from legal process shall continue to be accorded, notwithstanding that the persons concerned are no longer employed on missions for the Organization.

(b) Inviolability for all papers and documents.

(c) For the purpose of their communication with the Organization, the right to use codes and to despatch or receive papers or correspondence by courier or in sealed bags.

(d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in Egypt.

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

(f) The same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions.

Section 21

Privileges and immunities are granted to experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Secretary General shall have the right and the duty to waive the immunity of any experts in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Article VIII

OFFICIALS

Section 22

The Secretary-General or the Director of the Middle East Office as his duly authorized representative, shall, from time to time, communicate to the Government of Egypt the categories and the names of those officials to whom the provisions of this Article and Article IX shall apply.

Section 23

(1) Officials of the Organization, irrespective of nationality, shall:

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

(b) Be exempt from taxation in respect of the salaries and emoluments paid to them by the Organization.

(2) Moreover those who are not of Egyptian nationality shall:

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

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

(c) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;

(d) Have the right to import free of duty their furniture and effects at the time of taking up their post in Egypt or upon their permanent appointment to it;

(e) Once every three years have the right to import free of duty a motor-car, it being understood that the duty will become payable in the event of the sale or disposal of such motor-car within three years to a person not entitled to this exemption upon its importation.

Section 24

(1) The officials of the Organization shall be exempt from national service obligations in Egypt, provided that, in relation to officials who are Egyptian nationals, such exemption shall be confined to officials whose names have, by reasons of their duties, been placed upon a list completed by the Secretary-General or the Director of the Middle East Office as his duly authorized representative and approved by the Government of Egypt.

(2) Should other officials of the Organization be called up for national service, the Government of Egypt shall, at the request of the Secretary-General or the Director of the Middle East Office as his duly authorized representative, grant as far as possible such deferments in the call-up of such officials as may be necessary to avoid serious dislocation in the continuation of essential work.

Section 25

In addition to the immunities and privileges specified in Section 23, the President of the Council, the Secretary-General, the Assistant Secretaries-General, the Director of the Middle East Office and his Deputy shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law and usage.

Section 26

Privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Article IX

VISAS, PERMITS OF RESIDENCE, UNITED NATIONS LAISSER-PASSER AND OTHER FACILITIES

Section 27

(1) The Government of Egypt shall take all measures required to facilitate the entry into, residence in, and departure from Egypt of all persons having official business with the Organization, i.e.:

- (a) Representatives of members whatever may be the relations between Egypt and the member concerned.
 - (b) Experts and consultants on missions for the Organization, irrespective of nationality.
 - (c) Officials of the Organization.
 - (d) Other persons, irrespective of nationality, summoned by the Organization.
- (2) Any police regulations calculated to restrict the entry of aliens into Egypt or to regulate the conditions of their residence shall not apply to the persons provided for in this Section.
- (3) The Government of Egypt shall issue to the embassies, legations and consulates abroad general instructions in advance to grant visas to any applicant on production of a valid passport or any equivalent identity and travel document and of a document establishing his official relationship to the Organization without any delay or waiting period and without requiring his personal attendance or the payment of any charges.
- (4) The provisions of this Section shall apply to the spouse and dependants of the person concerned if they live with him and do not exercise an independent profession or calling.

Section 28

The Government of Egypt shall recognize and accept as a valid travel document the United Nations laissez-passer issued to the officials of the Organization under administrative arrangements concluded between the President of the Council of the Organization and the Secretary-General of the United Nations.

Section 29

The President of the Council, the Secretary-General, the Assistant Secretaries-General, the Director of the Middle East Office, the Directors of the Organization and the External Relations Officer travelling on official business of the Organization shall be granted the same facilities as are accorded to diplomatic envoys.

Section 30

(1) The Organization will be supplied, in the premises placed at its disposal, with electricity, water and gas, and with service for the removal of refuse. In a case of force majeure entailing partial or total suspension of these services, the requirements of the Organization will be considered by the Government of Egypt to be of the same importance as those of its own administrations.

(2) The Government of Egypt will ensure the necessary police supervision for the protection of the seat of the Organization and for the maintenance of order in the immediate vicinity thereof. At the request of the Secretary-General, the Government of Egypt will supply such police force as may be necessary to maintain order within the building.

Article X

SECURITY OF THE GOVERNMENT OF EGYPT

Section 31

(1) Nothing in the present Agreement shall affect the right of the Egyptian Government to take the precautions necessary for the security of Egypt.

(2) If the Egyptian Government considers it necessary to apply the first paragraph of this Article, it shall approach the Organization as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary to protect the interest of the Organization.

(3) The Organization shall collaborate with the Egyptian authorities to avoid any prejudice of the security of Egypt resulting from its activity.

Article XI

CO-OPERATION AND SETTLEMENT OF DISPUTES

Section 32

The Organization shall co-operate at all times with the appropriate authorities of the Government of Egypt to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the privileges, immunities and facilities provided for under the present Agreement.

Section 33

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

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

(b) Disputes involving any official of the Organization who, by reason of his official position, enjoys immunity, if immunity has not been waived by the Secretary-General in accordance with the provisions of Section 26.

Section 34

Any difference between the Organization and the Egyptian Government arising out of the interpretation or application of the present Agreement or of any supplementary arrangement or agreement which is not settled by negotiations shall be submitted for decision to a board of three arbitrators; the first to be appointed by the Egyptian Government, the second by the Secretary-General of the Organization, and the third, the presiding arbitrator, by the President of the International Court of Justice, unless in any specific case the parties hereto agree to resort to a different mode of settlement.

Article XII

FINAL PROVISIONS

Section 35

The present Agreement shall enter into force as soon as it has been ratified by the Government of Egypt in accordance with its constitutional procedures and adopted by the Council of the Organization.

Section 36

On the coming into force of the present Agreement it will be registered with the Council of the Organization in pursuance of Article 7 of the Rules for Registration with ICAO of Aeronautical Agreements and Arrangements, adopted by the said Council on 1 April 1949 to give effect to Articles 81 and 83 of the Convention on International Civil Aviation, and it will be communicated for further registration to the Secretary-General of the United Nations by the Secretary-General of the Organization in pursuance of Article 1 of the Regulations¹ adopted by the General Assembly of the United Nations on 14 December 1946 to give effect to Article 102 of the Charter of the United Nations.

Section 37

The present Agreement may be revised at the request of either party. In this event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding within one year, the present Agreement may be denounced by either party giving two years' notice.

In FAITH WHEREOF the present Agreement was done and signed at Cairo, on the 27th day of August 1953, in two copies, in French and in English, the texts in both languages being equally authentic, of which one text was handed to the representatives of the Government of Egypt, and the other to the Secretary-General of the International Civil Aviation Organization.

For the Government of Egypt:

M. FAWZI

For the International Civil Aviation Organization:

D. LEFÈVRE

EXCHANGE OF NOTES

[TRANSLATION — TRADUCTION]

I

MINISTRY OF FOREIGN AFFAIRS

INTERNATIONAL ORGANIZATIONS DEPARTMENT

Cairo, 27 August 1953

Sir,

With reference to the agreement concluded between the Government of Egypt and the International Civil Aviation Organization regarding the privileges, immunities and facilities to be granted to that Organization in Egypt, I have the honour to inform you of the following:

(1) The Organization may, in conformity with section 8, hold and, through normal channels, receive gold in Egypt and transfer it abroad. Nevertheless, the Organization may not transfer from Egypt an amount of gold larger than that introduced.

(2) In conformity with article VIII, the Organization and the Government shall determine by mutual agreement the categories of officials and the nature and scope of the facilities, privileges and immunities to be granted to each category.

¹ United Nations, *Treaty Series*, vol. 76, p. xviii.

(3) The Organization may not, under section 23 (1) (a), claim for members of the staff of the Regional Office in Egypt who are Egyptian nationals, regardless of their grade, immunity from legal process in Criminal Courts of Egypt in respect of words spoken or written and all acts performed by them when such words are not spoken or written or such acts are not performed in the exercise of their official functions.

(4) In invoking the terms of section 27 (2) of the Agreement, the Organization shall refrain from requesting that police regulations should be waived in respect of the persons referred to in section 27 (1) where such regulations are applied pursuant to international health conventions or to similar conventions, agreements or regulations adopted by the World Health Organization.

(5) Notwithstanding the provisions of section 27 and in pursuance of section 31, the Egyptian Government may take all precautions necessary for the security of the country with regard to nationals of countries whose relations with Egypt are not normal.

M. FAWZI

Minister of Foreign Affairs

To the Director-General
of the International Civil Aviation Organization

II

MINISTRY OF FOREIGN AFFAIRS
INTERNATIONAL ORGANIZATIONS DEPARTMENT

Cairo, 27 August 1953

Your Excellency,

Following the conclusion of the Agreement between the Government of Egypt and the International Civil Aviation Organization regarding the privileges, immunities and facilities to be granted to that Organization in Egypt and in reply to your letter of 27 August 1953, I have the honour to communicate to you the following:

(1) I agree that

[*See note I*]

D. G. LEFÈVRE

Director of the Middle East Office

H.E. the Minister of Foreign Affairs

15. AGREEMENT ¹ BETWEEN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION AND THE GOVERNMENT OF THE UNITED MEXICAN STATES REGARDING THE ORGANIZATION'S REGIONAL OFFICE FOR NORTH AMERICA AND THE CARIBBEAN, AT MEXICO CITY. SIGNED ON 20 DECEMBER 1956 ²

The International Civil Aviation Organization (hereinafter referred to as "the Organization") and the Government of the United Mexican States

¹ Spanish text provided by the International Civil Aviation Organization. Translation by the Secretariat of the United Nations.

² Entered into force upon signature (art. 19).

(hereinafter referred to as "the Government"), guided by the desire that the Organization's Regional Office for North America and the Caribbean should be established at Mexico City, and with a view to facilitating the functioning of the said Office, have agreed as follows:

Article I

JURIDICAL PERSONALITY

Section 1

The Organization shall possess juridical personality and, in particular, capacity:

- (a) To contract;
- (b) To acquire immovable and movable property (in accordance with the provisions of article 27 of the Constitution of the United Mexican States) and to dispose of such property;
- (c) To institute legal proceedings.

Article II

PREMISES

Section 2

The Government shall provide the Organization with offices and appropriate electricity, water and cleaning services, on such terms as may be determined by mutual agreement.

Article III

EXEMPTIONS, IMMUNITIES AND PRIVILEGES

Section 3

The Organization, the representatives of its member States and officials of the Organization serving in Mexico shall enjoy the exemptions, immunities and privileges specified in the following sections of this article.

Section 4

The Organization and its property, goods and assets shall enjoy immunity in Mexico from judicial and administrative process, except in those cases in which such immunity is expressly waived by the Secretary-General of the Organization.

Section 5

The offices, premises, archives and documents of the Organization shall be inviolable.

Section 6

The Organization and its property, goods and assets shall be exempt from:

- (a) All taxes; it is understood, however, that no exemptions may be claimed in respect of taxes which are, in fact, charges for public utility services;
- (b) Customs duties, prohibitions and restrictions on supplies of articles or other items imported or exported by the Organization for its official use. It is understood, however, that articles imported free of duty shall not be sold except under conditions agreed with the Government; and

(c) Customs duties, prohibitions and restrictions on the import or export of its publications, photographs, films and phonograph records.

Section 7

Without being affected by financial orders, regulations or moratoria, the Organization:

(a) May receive and hold funds, securities and currencies of any kind and operate accounts in any currency; and

(b) Shall be free to transfer its funds within Mexico or to other countries for the purpose of converting currency held by it into any other currency.

Section 8

1. The Organization shall enjoy in Mexico for its official communications treatment not less favourable than that accorded by the Government to any other Government, including its diplomatic missions, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms and telephone and other communications.

2. No censorship shall be applied to the official correspondence and other official communications of the Organization. Such correspondence shall be deemed to include publications, photographs, films and phonograph records.

3. The Organization shall have the right to make use of codes and to dispatch and receive official correspondence, including publications, documents, photographs, films and sound recordings, by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.

Section 9

1. The officials and experts of the Organization shall:

(a) Be immune from all legal process in respect of all acts performed by them and words spoken or written by them in the performance of their functions; and

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

2. In addition, those officials and experts who are not of Mexican nationality shall:

(a) Be exempt, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration formalities;

(b) Enjoy immunity from any compulsory national service;

(c) Be accorded the same privileges in respect of exchange facilities as are enjoyed by members of the diplomatic corps;

(d) Be allowed to import and export free of duty their furniture and personal effects and shall be granted temporary permits for the import of their motor vehicles, renewable for the entire period during which they remain on official duty in Mexico; and

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

3. The Government shall not levy any tax or duty on the movable property of officials and experts of the Organization other than Mexican

nationals, in respect of the succession or death of such officials and experts; it shall make no impediment to the repatriation of such property free of tax and duties.

Section 10

The Government shall recognize and accept as a valid travel document the United Nations *laissez-passer* issued to the officials of the Organization under administrative arrangements concluded between the President of the Council of the Organization and the Secretary-General of the United Nations. Applications for visas from the holders of United Nations *laissez-passer* shall be dealt with as speedily as possible.

Section 11

In addition to the privileges and immunities specified in this article, the President of the Council, the Secretary-General, the Assistant Secretaries-General, the Director of the Regional Office and his Deputy and their spouses and minor children shall be accorded the privileges and immunities, exemptions and facilities accorded in accordance with international law and usage.

Section 12

Exemptions, immunities and privileges are granted to international officials and experts of the Organization exclusively in the interests of the latter. Consequently, the Secretary-General of the Organization shall waive the exemptions, immunities and privileges of any international official or expert in any case where, in his opinion, the exercise of those exemptions, immunities and privileges would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Section 13

The Secretary-General of the Organization or his duly authorized representative for that purpose shall communicate to the Government the names of the officials and experts of the Organization to whom the benefits specified in Section 9 shall be extended under this Agreement.

Section 14

In order to prevent the occurrence of any abuse in connexion with the exemptions, immunities and privileges mentioned in this Agreement, the Organization shall co-operate with the appropriate authorities to facilitate the proper administration of justice and secure the observance of police regulations.

Section 15

In exercising the rights laid down in this article, the Organization shall pay due regard to any complaint which the Government may make. Similarly, it shall take the necessary measures for the appropriate settlement of:

(a) Disputes arising out of contracts or other questions of a private law character to which the Organization is a party, and

(b) Disputes involving any representative or official of the Organization, in respect of which he enjoys immunity, unless the Secretary-General has waived immunity in accordance with the provisions of Section 12.

Section 16

The representatives of Member States of the Organization having to enter Mexican territory in the exercise of their official functions shall enjoy, for the duration of those functions, the privileges and immunities granted by the Government to members of diplomatic missions.

Section 17

Privileges and immunities are accorded to the representatives of Member States of the Organization, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Organization. Consequently, a Member State of the Organization not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member State, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded. In any case in which one of the persons designated to serve on it is concerned, the Council of the Organization shall be under the same duty.

Section 18

The Organization will communicate to the Government as far in advance as possible a list of the representatives invited to its conferences or meetings.

Article IV

ENTRY INTO FORCE, INTERPRETATION AND TERMINATION
OF THE AGREEMENT

Section 19

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

Section 20

Any difference between the Organization and the Government arising out of the interpretation or application of this Agreement or of any supplementary arrangement or agreement which cannot be settled by negotiations shall be submitted for decision to a board of three arbitrators; the first to be appointed by the Government, the second by the Secretary-General and the third, the presiding arbitrator, by the President of the International Court of Justice, except in cases in which the parties agree to resort to a different mode of settlement.

Section 21

This Agreement shall be construed in the light of its primary purpose, that is to enable the Organization fully and efficiently to discharge its responsibility and fulfil its purposes.

Section 22

This Agreement and all supplementary agreements or arrangements concluded in application of it may be revised by agreement between the Government and the Organization, and each of the Parties shall give careful and favourable consideration to any request for revision put forward by the other Party.

Section 23

Both the Government and the Organization may terminate this Agreement by giving notice thereof in writing to the other Party, the Agreement to be terminated one year from the date on which such notice is received. The termination of the Agreement, in respect of the Government or the Organization, shall be considered to imply the termination of the supplementary agreements or arrangements concluded by the Government and the Organization.

IN WITNESS WHEREOF, the undersigned representatives, being duly authorized by the Government and the Organization respectively, have signed this Agreement on behalf of the Parties at Montreal on 20 December 1956, in duplicate, in the Spanish language, of which one text was handed to the Representative of the Government of the United Mexican States and the other to the Secretary-General of the International Civil Aviation Organization.

Edward WARNER
*For the International Civil Aviation
Organization*

Enrique M. LOAEZE
*For the Government
of the United Mexican States*

EXCHANGE OF NOTES BETWEEN THE PRESIDENT OF THE COUNCIL OF THE
ICAO AND THE REPRESENTATIVE OF THE GOVERNMENT OF THE UNITED
MEXICAN STATES, DATED 20 DECEMBER 1956

INTERNATIONAL CIVIL AVIATION ORGANIZATION

International Aviation Building
Montreal, Canada

Ref. A 11/4.10

20 December 1956

Sir,

I have the honour to propose that, as Section 11 of the Agreement between the Government of the United Mexican States and the International Civil Aviation Organization regarding that Organization's Regional Office for North America and the Caribbean at Mexico City does not clearly define the privileges, immunities, exemptions and facilities to be accorded in accordance with international law and usage (in addition to the privileges and immunities referred to in other sections of article III), to the President of the Council, the Secretary-General, the Assistant Secretaries-General, the Director of the Regional Office and his Deputy, and their spouses and minor children, it should be made clear that section 11 is to be construed as meaning that, while equality of status with diplomatic envoys is not necessarily implied thereby, these prerogatives shall be similar to those ordinarily accorded to diplomatic envoys in accordance with international law and usage.

I should be very grateful if you would inform me if your Government is in agreement with this interpretation.

I have the honour to be, etc.

Edward WARNER
The President of the Council

The Representative of the Government
of the United Mexican States
Montreal

DELEGATION OF MEXICO TO THE COUNCIL
OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

916 International Aviation Building,
Montreal, Canada

20 December 1956

Sir,

I have the honour to acknowledge receipt of your note of 20 December 1956 concerning the interpretation of section 11 of the Agreement between the Government of the United Mexican States and the International Civil Aviation Organization regarding the Organization's Regional Office for North America and the Caribbean at Mexico City.

I have pleasure in informing you that my Government is in agreement with the interpretation suggested in your note, namely, that, while equality of status with diplomatic envoys is not necessarily implied thereby, the privileges, immunities, exemptions and facilities accorded in accordance with international law and usage (in addition to the privileges and immunities provided in other sections of article III), to the President of the Council, the Secretary-General, the Assistant Secretaries-General, the Director of the Regional Office and his Deputy, and their spouses and minor children, shall be similar to those normally accorded to diplomatic envoys in accordance with international law and usage.

I have the honour to be, etc.

E. M. LOAEZA

Dr. Edward Warner,
President of the Council of the ICAO,
Montreal.

16. CONSTITUTION OF THE FOOD AND AGRICULTURE
ORGANIZATION OF THE UNITED NATIONS. SIGNED AT
QUEBEC, ON 16 OCTOBER 1945^{1 2}

Article VIII

STAFF

2. The staff of the Organization shall be responsible to the Director-General. Their responsibilities shall be exclusively international in character and they shall not seek or receive instructions in regard to the discharge

¹ *Yearbook of the United Nations* 1946-47, p. 693.

² States which are parties (up to 1 January 1960): Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Germany (Fed. Rep.), Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Rep. of), Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Saudi Arabia, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom (including all colonies and overseas territories), United States, Uruguay, Venezuela, Viet-Nam (Rep. of), Yemen, Yugoslavia.

thereof from any authority external to the Organization. The Member nations undertake fully to respect the international character of the responsibilities of the staff and not to seek to influence any of their nationals in the discharge of such responsibilities.

4. Each Member nation undertakes, in so far as it may be possible under its constitutional procedure, to accord to the Director-General and senior staff diplomatic privileges and immunities and to accord to other members of the staff all facilities and immunities accorded to non-diplomatic personnel attached to diplomatic missions, or alternatively to accord to such other members of the staff the immunities and facilities which may hereafter be accorded to equivalent members of the staffs of other public international organizations.

Article XV

LEGAL STATUS

1. The Organization shall have the capacity of a legal person to perform any legal act appropriate to its purpose which is not beyond the powers granted to it by this Constitution.

2. Each Member nation undertakes, in so far as it may be possible under its constitutional procedure, to accord to the Organization all the immunities and facilities which it accords to diplomatic missions, including inviolability of premises and archives, immunity from suit, and exemptions from taxation.

3. The Conference shall make provision for the determination by an administrative tribunal of disputes relating to the conditions and terms of appointment of members of the staff.

17. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE ITALIAN REPUBLIC AND THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS REGARDING THE HEADQUARTERS OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS. SIGNED AT WASHINGTON, ON 31 OCTOBER 1950²

THE GOVERNMENT OF THE ITALIAN REPUBLIC
and
THE FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS

Desiring to conclude an agreement pursuant to the following resolution adopted by the Conference of the Food and Agriculture Organization of the United Nations at its Fifth Session:

¹ Text of Agreement provided by the Food and Agriculture Organization of the United Nations.

² Approved by Act No. 11 of 9 January 1951 (Italy, *Official Gazette*, Supplement to No. 22 of 27 January 1951).

“ THE CONFERENCE

“ *Accepts*, subject to the conclusion of suitable headquarters agreements with the central and local governments concerned, the offer tendered to the Organization by the Government of Italy, of a site in or near the city of Rome, for establishing the permanent Headquarters of the Organization; and

“ *Authorizes* the Director-General to negotiate such headquarters agreements and to refer them to the Council of FAO for ratification; ”

Have appointed as their representatives for this purpose:

For the Government of the Italian Republic:

Gino Buti, Ambassador of Italy, and

For the Food and Agriculture Organization of the United Nations:

Norris E. Dodd, Director-General,

who have agreed as follows:

Article I

DEFINITIONS

Section 1

In this agreement:

(a) The expression “ FAO ” means the Food and Agriculture Organization of the United Nations;

(b) The expression “ the Government ” means the Government of the Italian Republic;

(c) The expression “ Director-General ” means the Director-General of FAO, and, during his absence from duty, any officer designated by him to act on his behalf;

(d) The expression “ appropriate Italian authorities ” means such national or other authorities in the Italian Republic as may be appropriate in the context and in accordance with the laws and customs applicable in the Italian Republic;

(e) The expression “ laws of the Italian Republic ” includes legislative acts, and decrees, regulations or orders, issued by or under authority of the Government or appropriate Italian authorities;

(f) The expression “ headquarters seat ” means:

(i) The land together with the buildings erected upon it as defined in Annex A to this agreement;

(ii) Any other land or buildings which from time to time may be included therein by supplemental agreement with the appropriate Italian authorities;

(g) The expression “ Member Nation ” means a nation which is a member of FAO;

(h) The expression “ representatives of Member Nations ” includes all accredited members of delegations of Member Nations;

(i) The expression “ meetings convened by FAO ” means meetings of the Conference of FAO, the Council of FAO, any international conference or other gathering convened by FAO and any commission, committee or subgroup of any of these bodies;

(j) The expression "archives of FAO" includes records and correspondence, documents, manuscripts, still and moving pictures and films, and sound recordings, belonging to or held by FAO;

(k) The expression "officers of FAO" means all ranks of the FAO secretariat engaged by the Director-General or on his behalf;

(l) The expression "property" as used in Articles VII and VIII means all property, including funds and assets, belonging to FAO or held or administered by FAO in furtherance of its constitutional functions, and all income of FAO.

Article II

THE HEADQUARTERS SEAT

Section 2

(a) The permanent headquarters of FAO shall be in the headquarters seat, and shall not be removed therefrom unless FAO should so decide. Transfer of headquarters temporarily to another site shall not constitute a removal of the permanent headquarters in the absence of an express decision by FAO to that effect.

(b) The Government shall not, while this agreement is in force, dispose of all or any part of the headquarters seat without the consent of FAO.

Section 3

The Government grants to FAO and FAO accepts from the Government the permanent use and occupancy of the headquarters seat, as from the date of entry into force of this agreement. Such grant shall remain in force so long as the permanent headquarters of FAO shall be in the headquarters seat. FAO shall pay to the Government for the use and occupancy of the headquarters seat the total sum of one United States dollar (\$1.00) per annum, payable yearly in advance, commencing on the date of entry into force of this agreement. The passage of time shall not contribute to the acquisition by FAO of the freehold title to the headquarters seat.

Section 4

With respect to the headquarters seat and the installations therein originally provided by the Government, such as elevators, heating, air conditioning and other equipment:

(a) The Government shall be responsible for major repairs of a non-recurring nature, in particular, but without limitation by reason of this enumeration, the repair of damage resulting from force majeure, structural defects or deterioration; for the replacement, when and if necessary, of such installations; and for the replacement, within a reasonable period, of any building or part thereof in the headquarters seat which may be totally or partially destroyed;

(b) FAO shall be responsible for minor repairs of a recurring nature and for upkeep through the provision of services and materials required to maintain the headquarters seat in a condition suitable for the effective discharge of the functions of FAO.

Section 5

To enable FAO to participate in the proposed network of short-wave communication to be established between the United Nations, its Specialized

Agencies and its regional offices, the Government shall, upon request, grant to FAO for official purposes appropriate radio and telecommunication facilities in conformity with technical arrangements to be made with the International Telecommunication Union.

Article III

EXTRATERRITORIALITY OF THE HEADQUARTERS SEAT

Section 6

(a) The Government recognizes the extraterritoriality of the headquarters seat which shall be under the control and authority of FAO as provided in this agreement.

(b) Except as otherwise provided in this agreement, the laws of the Italian Republic shall apply within the headquarters seat.

(c) Except as otherwise provided in this agreement, the courts of the Italian Republic shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the headquarters seat.

Section 7

(a) The headquarters seat shall be inviolable. No officer or official of the Italian Republic, or other person exercising any public authority within the Italian Republic, shall enter the headquarters seat to perform any duties therein except with the consent of, and under conditions approved by, the Director-General. The service of legal process, including the seizure of private property, may take place within the headquarters seat only with the consent of, and under conditions approved by, the Director-General.

(b) Without prejudice to Article X, FAO shall prevent the headquarters seat from being used as refuge by persons who are avoiding arrest under any law of the Italian Republic, required by the Government for extradition to another country, or endeavoring to avoid service of legal process.

Article IV

PROTECTION OF THE HEADQUARTERS SEAT

Section 8

(a) The appropriate Italian authorities shall exercise due diligence to ensure that the tranquillity of the headquarters seat is not disturbed by any person or group of persons attempting unauthorized entry or creating disturbance in the immediate vicinity of the headquarters seat, and shall provide on the boundaries of the headquarters seat such police protection as is required for these purposes.

(b) If so requested by the Director-General, the appropriate Italian authorities shall provide a sufficient number of police for the preservation of law and order in the headquarters seat and for the removal therefrom of offenders.

Section 9

The appropriate Italian authorities shall take all reasonable steps to ensure that the amenities of the headquarters seat are not prejudiced and the purposes for which the headquarters seat is required are not obstructed by any use made of the land or buildings in the vicinity of the headquarters seat. FAO shall take all reasonable steps to ensure that the amenities of

the land in the vicinity of the headquarters seat are not prejudiced by any use made by FAO of the land or buildings in the headquarters seat.

Article V

PUBLIC SERVICES IN THE HEADQUARTERS SEAT

Section 10

(a) The appropriate Italian authorities shall exercise, to the extent requested by the Director-General, their respective powers to ensure that the headquarters seat shall be supplied with the necessary public services, including, without limitation by reason of this enumeration, electricity, water, sewerage, gas, post, telephone, telegraph, local transportation, drainage, collection of refuse and fire-protection, and that such public services shall be supplied on equitable terms. In case of any interruption or threatened interruption of any such services, the appropriate Italian authorities shall consider the needs of FAO as being of equal importance with those of essential agencies of the Government, and shall take steps accordingly to ensure that the work of FAO is not prejudiced.

(b) The Director-General shall, upon request, make suitable arrangements to enable duly authorized representatives of the appropriate public service bodies to inspect, repair, maintain, reconstruct, and relocate utilities, conduits, mains and sewers within the headquarters seat under conditions which shall not unreasonably disturb the carrying out of the functions of FAO.

(c) Where gas, electricity or water are supplied by appropriate Italian authorities or bodies under their control, FAO shall be supplied at special tariffs which shall not exceed the lowest rates accorded to Italian governmental administrations.

Article VI

COMMUNICATIONS

Section 11

FAO shall enjoy for its official communications treatment not less favorable than that accorded by the Government to any other organization or government, including diplomatic missions of such other government, in the matter of priorities and rates on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to press and radio.

Section 12

FAO shall be entitled for its official purposes to use the railway facilities of the Government at special tariffs which shall not exceed the lowest rates of fares and freights accorded to Italian governmental administrations.

Section 13

(a) All communications directed to FAO, or to any of its officers at the headquarters seat, and all outward official communications of FAO, by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures and film, and sound recordings. In case of emergency requiring the enforcement of censorship

in the Italian Republic, the appropriate Italian authorities shall consult with the Director-General with a view to reaching agreement on appropriate steps to be taken by him or by the appropriate Italian authorities in order to avoid abuse of the immunity from censorship enjoyed by the official communications of FAO and its officers.

(b) FAO shall have the right to use codes and to despatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

(c) Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by supplemental agreement between FAO and the Government.

Article VII

JURIDICAL PERSONALITY AND FREEDOM OF ASSEMBLY

Section 14

The Government recognizes the juridical personality of FAO and, in particular, its capacity:

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

Section 15

The Government recognizes the right to convene meetings within the headquarters seat or, with the concurrence of the appropriate Italian authorities, elsewhere in the Italian Republic. At meetings convened by FAO, the Government shall take all proper steps to ensure that no impediment is placed in the way of full freedom of discussion and decision.

Article VIII

PROPERTY OF FAO AND TAXATION

Section 16

FAO and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case FAO shall have expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 17

The property of FAO, 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.

Section 18

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

Section 19

(a) FAO and its property shall be exempt from any form of direct taxation. This exemption shall apply in particular, but without limitation

by reason of this enumeration, to the tax on movable property (*imposta sui redditi di ricchezza mobile*), the land income tax (*imposta sui redditi dei terreni*), the tax on income from buildings (*imposta sui redditi dei fabbricati*), the capital levy (*imposta sul patrimonio*) and all local surtaxes (*sovra-imposte locali*).

(b) Regarding indirect taxes, levies and duties on operations and transactions, FAO shall enjoy the same exemptions and facilities as are granted to Italian governmental administrations. In particular, but without limitation by reason of this enumeration, FAO shall be exempt from the registration tax (*imposta di registro*); the general receipts tax (*imposta generale sull'entrata*) on wholesale purchases, on contractual services and on tenders for contractual supplies (*prestazioni d'opera, appalti*), on leases of lands and buildings; from the mortgage tax; and from the consumption taxes on electric power for lighting, on gas for lighting and heating, and on building materials.

(c) Articles imported or exported by FAO for official purposes shall be exempt from customs duties and other levies, prohibitions and restrictions on imports and exports. Such articles shall include, without limitation by reason of this enumeration, publications, still and moving pictures, and film and sound recordings.

(d) FAO shall be exempt from customs duties and other levies, prohibitions and restrictions on the importation of service automobiles, and spare parts thereof, required for its official purposes, on the understanding that the FAO fleet of service automobiles shall at no time exceed twelve vehicles. The Government shall exempt such vehicles from the tax on circulation and shall grant allotments of gasoline or other required fuels and lubricating oils for each such vehicle in quantities and at rates prevailing for heads of diplomatic missions in the Italian Republic.

Article IX

FINANCIAL FACILITIES

Section 20

(a) Without being restricted by any financial controls, regulations or moratoria of any kind, and within the limits prescribed by section 21, FAO may freely:

- (i) Purchase negotiable currencies at authorized banks, and hold and dispose of them; operate currency accounts; and purchase through authorized channels, hold and dispose of funds, securities and gold;
- (ii) Transfer its funds, securities, gold and currencies to or from the Italian Republic, from or to any other country, or within the Italian Republic.

(b) FAO shall, in exercising its rights under this section, pay due regard to any representations made by the Government in so far as effect can be given to such representations while at the same time safeguarding the interests of FAO.

Section 21

(a) Whenever FAO shall convert United States dollars into lire, it shall have the benefit of the exchange rate approved by the International Monetary Fund for transfers abroad, or, in the absence of such a rate, of an effective rate of exchange which shall be in no way discriminatory.

(b) To the extent of any United States dollar conversion into lire, FAO may reconvert lire into United States dollars within a period of two years from the date of each such conversion, and shall have the benefit of the rate of exchange as indicated in subsection (a) prevailing at the time of such reconversion.

(c) In addition to the reconversion mentioned in subsection (b) FAO may, during any financial year of FAO, convert lire into United States dollars up to a maximum of five per centum of its budget for that financial year. This right shall not be cumulative.

(d) FAO may, during any financial year of FAO, convert lire into such currencies other than United States dollars, Swiss francs and Belgian francs as it may consider necessary for its operational purposes, up to a maximum of ten per centum of its budget for that financial year. This right shall not be cumulative.

(e) The Government shall assist FAO to obtain the most favorable conditions as regards exchange rates, banking commissions in exchange transactions and the like.

Article X

TRANSIT

Section 22

(a) The appropriate Italian authorities shall impose no impediment to transit to or from the headquarters seat of the following persons, irrespective of their nationalities, and shall afford them any necessary protection in transit:

- (i) The Chairman of the Council of FAO, representatives of Member Nations, the United Nations, or any Specialized Agency of the United Nations, and their spouses;
- (ii) Representatives of other organizations or bodies with which FAO shall have established consultative relations;
- (iii) Officers of FAO and families and other members of their households;
- (iv) Persons, other than officers of FAO performing missions for FAO, the United Nations or any Specialized Agency of the United Nations, or serving on committees of FAO, and their spouses;
- (v) Representatives of the press, or of radio, film or other information agencies who have been accredited by FAO in its discretions after consultation with the Government;
- (vi) Other persons invited to the headquarters seat by FAO on official business. The Director-General shall communicate the names of such persons to the Government within a reasonable time.

(b) This section shall not apply to general interruptions of transportation, which shall be dealt with as provided in section 10 (a), and shall not impair the effectiveness of generally applicable laws as to operation of means of transportation.

(c) Visas which may be required for persons referred to in this section shall be granted without charge and as promptly as possible.

(d) No activity performed by any such person in his official capacity as described in subsection (a) shall constitute a reason for preventing his entry into the territory of the Italian Republic or for requiring him to leave such territory.

(e) In case of abuse of the privilege of residence by any such person in activities in the Italian Republic outside his official capacity, such privilege shall not be construed to grant him exemption from the laws of the Italian Republic regarding the continued residence of aliens, provided that:

- (i) No proceeding shall be instituted under such laws to require any such person to leave the Italian Republic except with the prior approval of the Minister of Foreign Affairs of the Italian Republic;
 - (ii) In the case of the representative of a Member Nation, such approval shall be given only after consultation with the Government of the appropriate Member Nation;
 - (iii) In the case of any other person mentioned in subsection (a), such approval shall be given only after consultation with the Director-General, the Secretary-General of the United Nations, or the principal executive officer of the appropriate Specialized Agency, as the case may be;
 - (iv) A representative of the Member Nation concerned, the Director-General, the Secretary-General of the United Nations, or the principal executive officer of the appropriate Specialized Agency, as the case may be, shall have the right to appear and be heard in any such proceedings on behalf of the person against whom they shall have been instituted;
 - (v) Persons who are entitled to diplomatic privileges and immunities under section 24 or 28 shall not be required to leave the Italian Republic otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the Italian Republic.
- (f) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in subsection (a), or the reasonable application of quarantine and health regulations.

Section 23

The Director-General and the appropriate Italian authorities shall, at the request of either of them, consult as to methods of facilitating entrance into the Italian Republic, and the use of available means of transportation, by persons coming from abroad who wish to visit the headquarters seat and who do not enjoy the privileges conferred by section 22.

Article XI

RESIDENT REPRESENTATIVES TO FAO

Section 24

(a) Every person designated by a Member Nation as its principal resident representative to FAO or as a resident representative to FAO with the rank of Ambassador or Minister Plenipotentiary, and the members of its mission, shall, whether residing inside or outside the headquarters seat, be entitled within the Italian Republic to the same privileges and immunities, subject to corresponding conditions and obligations, as the Government accords to diplomatic envoys and members of their missions of comparable rank accredited to the Government.

(b) In the case of Member Nations whose governments are not recognized by the Italian Republic, such privileges and immunities need be extended to

such representatives and their missions only within the headquarters seat, at their residences and offices outside the headquarters seat, in transit between the headquarters seat and such residences and offices, and in transit on official business to or from foreign countries.

(c) Whenever the resident representatives of Member Nations or members of their missions are Italian citizens, or are engaged in any trade or industry within the Italian Republic, the privileges and immunities recognized by international law shall apply to the extent authorized by international law as accepted by the Government.

Article XII

CHAIRMAN OF COUNCIL AND REPRESENTATIVES AT MEETINGS

Section 25

The Chairman of the Council of FAO, representatives of Member Nations, representatives or observers of other nations, and representatives of the United Nations and its Specialized Agencies at meetings convened by FAO shall, while exercising their functions and during their journeys to and from the headquarters seat or other place of meeting, enjoy within and with respect to the Italian Republic the following privileges and immunities:

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

(b) Immunity from legal process of any kind with respect to words spoken or written, and all acts performed by them, in the performance of their official functions such immunity to continue notwithstanding that the persons concerned may no longer be engaged in the performance of such function;

(c) Inviolability for all papers and documents;

(d) The right to use codes and to despatch or receive papers or correspondence by courier or in sealed bags;

(e) Exemption with respect to themselves and their spouses from immigration restrictions, alien registration and national service obligations;

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

(g) The same immunities and facilities with respect to their personal and official baggage as are accorded to members of comparable rank of diplomatic missions.

Section 26

(a) Where the incidence of any form of taxation depends upon residence periods during which the persons designated in section 25 may be present in the Italian Republic for the discharge of their duties shall not be considered as periods of residence.

(b) The privileges and immunities accorded by this Article are conferred not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions in connection with FAO. The Council of FAO in the case of its Chairman, governments in the case of their representatives or observers, and the United Nations or its appropriate Specialized Agency in the case of their representatives, shall

waive the immunity of the Chairman of the Council of FAO or of such representatives or observers, as the case may be, whenever, in the opinion of the Council, the appropriate government, the United Nations, or the appropriate Specialized Agency, as the case may be, the immunity would impede the course of justice, and where it could be waived without prejudice to the purpose for which the immunity was accorded.

Article XIII

OFFICERS OF FAO

Section 27

Officers of FAO shall enjoy within and with respect to the Italian Republic the following privileges and immunities:

(a) Immunity from preventive arrest, except in the case of flagrancy, or of a crime entailing imprisonment for not less than two years, in which case the appropriate Italian authorities shall immediately notify the Director-General of any such arrest;

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

(c) Immunity from legal process of any kind with respect to words spoken or written, and all acts performed by them, in their official capacity, such immunity to continue notwithstanding that the persons concerned may have ceased to be officers of FAO;

(d) Exemption from any form of direct taxation on salaries, emoluments and indemnities paid to them by FAO;

(e) Exemption for officers of other than Italian citizenship from any form of direct taxation on income derived from sources outside the Italian Republic;

(f) Exemption, with respect to themselves, their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(g) Exemption from national service obligations, provided that, with respect to Italian citizens, such exemption shall be confined to officers whose names have, by reason of their duties, been placed upon a list compiled by the Director-General and approved by the Government; provided further, that should other officers who are Italian citizens be called up for national service, the Government shall, upon request of the Director-General, grant such temporary deferments in the call up of such officers as may be necessary to avoid interruption in the continuation of essential work;

(h) For officers who are not Italian citizens, freedom to maintain within the Italian Republic or elsewhere foreign securities, foreign currency accounts, and other movable and immovable property; and at the termination of their FAO employment, the right to take out of the Italian Republic without prohibition or restriction their funds in the same currencies and up to the same amounts as they had brought into the Italian Republic through authorized channels;

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

(j) The right to import, free of duty and other levies, prohibitions and restrictions on imports;

- (i) Their furniture and effects, including one automobile each, at the time of first taking up their posts in the Italian Republic, either in a single shipment or in two or more separate shipments; and thereafter to import necessary additions to, or replacements of, the same, free of duty and other levies, prohibitions and restrictions on imports; and
- (ii) Through the medium of FAO, reasonable quantities, to be agreed upon in accordance with a procedure to be established between the Government and FAO, of foodstuffs and other articles for personal use and consumption and not for gift or sale.

Section 28

- (a) In addition to the privileges and immunities specified in section 27:
 - (i) The Director-General shall be accorded the privileges and immunities, exemptions and facilities accorded to Ambassadors who are heads of missions;
 - (ii) The Deputy Director-General or the senior officer of FAO acting on behalf of the Director-General during his absence from duty shall be accorded the rank of Ambassador;
 - (iii) The Deputy Director-General, Special Assistants to the Director-General, Regional Representatives, senior members of the Office of the Director-General, Directors and deputy Directors of Divisions and such additional senior officers as may be designated by the Director-General on the grounds of the responsibilities of their positions in FAO, shall be accorded privileges and immunities, exemptions and facilities not less than those accorded to members of the diplomatic corps;
 - (iv) Officers of FAO of professional rank, the total number to be agreed upon by the Director-General and the Government, shall be accorded, in respect of each such officer, the right to import every four years, free of duty and other levies, prohibitions and restrictions on imports, one automobile as a substitute for an automobile previously imported; and privileges connected therewith.
- (b) All officers of FAO not mentioned in subsections (a) (i), (a) (ii) or (a) (iii) shall be supplied with a special card certifying the fact that they are officers of FAO enjoying the privileges and immunities specified in this agreement and in particular in section 27.

Section 29

(a) The privileges and immunities accorded by this Article are conferred in the interests of FAO and not for the personal benefit of the individuals themselves. The Director-General shall waive the immunity of any officer in any case where, in the opinion of the Director-General, the immunity would impede the course of justice and could be waived without prejudice to the interests of FAO.

(b) FAO and its officers shall co-operate at all times with the appropriate Italian authorities to facilitate the proper administration of justice, to secure the observance of police regulations, and to prevent the occurrence of any abuses in connection with the privileges and immunities accorded by this Article.

*Article XIV*EXPERTS, MEMBERS OF FAO MISSIONS AND COMMITTEES
AND REPRESENTATIVES OF OFFICIAL ORGANIZATIONS*Section 30*

Experts, other than officers of FAO coming within the scope of Article XIII, performing missions for, or serving on committees of, FAO and representatives of official organizations or bodies invited by FAO to the headquarters seat or to meetings convened by FAO, shall enjoy, within and with respect to the Italian Republic, the following privileges and immunities so far as may be necessary for the effective exercise of their functions and during their journeys in connection with service on such missions or committees, and attendance at the headquarters seat and at such meetings:

(a) Immunity from preventive arrest, except in the case of flagrancy, or of a crime entailing imprisonment for not less than two years, in which case the appropriate Italian authorities shall immediately notify the Director-General of any such arrest;

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

(c) Immunity from legal process of any kind with respect to words spoken or written, and all acts done by them, in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned may no longer be employed on missions for, or serving on committees of, FAO, or may no longer be present at the headquarters seat or attending meetings convened by FAO;

(d) Inviolability for all papers and documents;

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

(f) Exemption with respect to themselves and their spouses from immigration restrictions, alien registration and national service obligations;

(g) The same facilities with respect to currency and exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(h) The same immunities and facilities with respect to their personal and official baggage as are accorded to members of diplomatic missions in the Italian Republic.

Section 31

(a) Where the incidence of any form of taxation depends upon residence, periods during which the persons designated in section 30 may be present in the Italian Republic for the discharge of their duties shall not be considered as periods of residence.

(b) The privileges and immunities accorded by this Article are conferred in the interests of FAO and not for the personal benefit of the individuals themselves. The Director-General shall waive the immunity of any such individuals in any case where, in the opinion of the Director-General, the immunity would impede the course of justice and could be waived without prejudice to the interests of FAO.

(c) Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between FAO and the appropriate Italian authorities.

Article XV

LAISSEZ-PASSER

Section 32

The Government shall recognize and accept the United Nations Laissez-passer issued to officers of FAO and to the Chairman of the Council of FAO as a valid travel document equivalent to a passport.

Article XVI

GENERAL PROVISIONS

Section 33

(a) The Director-General shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this agreement shall occur, and for this purpose shall establish such rules and regulations as he may deem necessary and expedient, for officers of FAO and persons performing missions for or serving on committees of, FAO.

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

(c) Without prejudice to the independent and proper working of FAO, the Government may, after consultation with the Director-General, take all precautionary measures necessary to the national safety.

(d) All persons of Italian citizenship shall enjoy the privileges and immunities accorded by the agreement to the extent recognized by international law as accepted by the Government.

Article XVII

SUPPLEMENTAL AGREEMENTS AND SETTLEMENT OF DISPUTES

Section 34

(a) FAO and the Government may enter into such supplemental agreements as may be necessary within the scope of this agreement.

(b) Upon accession by the Italian Republic to the Convention on Privileges and Immunities of the Specialized Agencies, such Convention and this agreement shall, where they relate to the same subject matter, be treated, wherever possible, as complementary; but in case of conflict, the provisions of this agreement shall prevail.

Section 35

Any dispute between FAO and the Government concerning the interpretation or application of this agreement or any supplemental agreements, or any question affecting the headquarters seat or the relationship between FAO and the Government, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators: one to be chosen by the Director-General, one to be chosen by the Minister of Foreign Affairs of the Italian Republic, and the

third, who shall be Chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third, such third arbitrator shall be chosen by the President of the International Court of Justice.

Article XVIII

OPERATION OF THIS AGREEMENT

Section 36

(a) This agreement shall enter into force upon an exchange of notes between the Director-General, duly authorized pursuant to a resolution of the Council of FAO and the duly authorized representative of the Government.

(b) Consultations with respect to modification of this agreement shall be entered into at the request of FAO or the Government. Any such modification shall be by mutual consent.

(c) This agreement shall be construed in the light of its primary purpose to enable FAO at its headquarters in the Italian Republic fully and efficiently to discharge its responsibilities and fulfill its purposes.

(d) Wherever this agreement imposes obligations on the appropriate Italian authorities, the ultimate responsibility for the fulfillment of such obligations shall rest with the Government.

(e) This agreement shall cease to be in force:

(i) By mutual consent of FAO and the Government;

(ii) If the permanent headquarters of FAO is removed from the territory of the Italian Republic, except for such provisions as may be applicable in connection with the orderly termination of the operations of FAO at its permanent headquarters in the Italian Republic and the disposition of its property therein.

In Witness Whereof the Government and FAO have signed this agreement at Washington the 31th day of October 1950, in two copies in English and Italian, the text in both languages being authentic.

For the Government of the Italian Republic

GINO BUTI

Ambassador of Italy

*For the Food and Agriculture Organization
of the United Nations*

NORRIS E. RODD

Director-General

ANNEX A

o the Agreement between the Government of the Italian Republic and the Food and Agriculture Organization of the United Nations regarding the Headquarters of the Food and Agriculture Organization of the United Nations.

HEADQUARTERS SEAT

The following is a description of the land and buildings referred to in section 1 (f) (i) of the Agreement, and shown on attached Drawing No.

46F, dated July 1950 as prepared by Architect Vittorio Cafiero for the Italian Ministry of Public Works, and revised and dated Washington, October 27, 1950, and which Drawing is an integral part of this Annex.

BOUNDARY DEFINITIONS

The headquarters seat is situated in the Aventine Quarter of Rome in the zone described in folio 513 of the New City Survey of Rome as Plots Nos 185 and 231, and Plot No. 205 as shown in Drawing No. 46F. It forms part of a larger area which was originally intended to be the seat of the Ministry of Italian Africa, and which is bounded on the North-West by Viale Aventino, on the South-East by the small hill of Santa Balbina and by Survey Plot No. 186 of municipal property on the South-West by the private property of the "Collegio dei Missionari del Sacro Cuore", and on the North-East by Viale Terme di Caracalla, and municipally owned areas.

Four buildings were planned for this area, as indicated on Drawing No. 46F, of which so far only Buildings B and D — the latter now occupied by the Italian Ministry of Posts and Telecommunications — have been constructed. Building A is to be constructed under law No. 173 of 10 August 1950, published in the "Gazzetta Ufficiale", No. 210 of 13 September 1950 and therefore, for the purpose of the following description, it will be considered as completed. Only the central nucleus of Building C has so far been constructed, comprising 156 square meters, more or less, and surrounding the chimney which was to serve the heating plant for the complete block of four buildings.

The headquarters seat consists of the land, together with the buildings erected thereon, which is marked on Drawing 46F by diagonal lines moving from left top to bottom right and by criss-crossing lines. The headquarters seat accordingly consists of two distinct parts, separated from each other by land not included in the headquarters seat, all as shown on Drawing No. 46F.

The larger of the two parts consists of three areas, the Main Buildings Area, the Garage and Parking Area, and the Area Subject to Right of Passage to and from Buildings C and D.

The smaller part consists of the Heating and Cooling Plants Area.

Main Buildings Area

The Main Buildings Area comprises an area of 17,471.75 square meters, more or less, defined by the lines shown on Drawing No. 46F joining points 1 and 31, and contains Buildings A and B (covering respectively 3,987 and 5,011 square meters of land, more or less), which house FAO offices, working space and meeting-rooms.

The boundary of this area is defined by the following lines:

Line joining points 0, 1, 2, 3, 4:

Point 0 is a point 10 meters South-West of the North corner of the outer wall of Survey Plot No. 186, as indicated on Drawing No. 46F.

Point 1 is situated 20 meters from Point 0, on a line projected in a North-Westerly direction from Point 0 at 90 degrees to the face of the outer wall of Survey Plot No. 186.

Point 2 is at the intersection of the extensions of the exterior faces of the South-East wall of Building B and the North-East wall of Building A.

Points 3 and 4 are the respective exterior corners of the South-East façade of Building B.

The line joining points 4, 5, 6 follows the exterior faces of the South-West wall of Building B and the South-East wall of the “Uffici Cassa”, the latter being a groundfloor extension in the middle of the façade of Building B and covering 533,8 square meters, more or less.

Line joining points 6, 7, 8, 9:

Point 6 is the exterior South corner of “Uffici Cassa”.

Point 7 is situated on the extension of line 5-6, at 1.50 meters from point 6.

Point 8 is situated 10 meters to the South-East from the latitudinal axis of Building B and 5 meters from the exterior face of the South-West wall of “Uffici Cassa”.

Point 9 is situated on the parallel to the latitudinal axis of Building B passing through point 8, and shall be 2.50 meters from the passage joining Buildings D (Ministry of Posts and Telecommunications) and C, but not nearer the exterior face of the South-West wall of Building B than is shown on Drawing No. 46F.

The line joining points 9, 10 is parallel to the South-West façade of Building B.

The line joining points 10, 11 is parallel to the latitudinal axis of Building B and 10 meters North-West of it.

Line joining points 11, 12, 13:

Point 11 is situated on line 10-11 at 2.50 meters from the exterior face of the South-West wall of “Uffici Cassa”.

Point 12 is situated on the façade of the low annex of Building D at 1.50 meters from the South-West façade of “Uffici Cassa”.

Point 13 is the point where the low annex of Building D meets the South-West façade of “Uffici Cassa”.

Line joining points 13, 14:

Point 14 is the West corner of “Uffici Cassa”.

Line joining points 14, 15:

Point 15 is situated on the exterior face of the North-West wall of “Uffici Cassa”, at its intersection with the extension of the exterior face of the North-East wall of Building D.

Line joining points 15, 16, 17, 18:

Point 16 is the corner where the exterior face of the North-East wall of Building D meets the exterior face of the South-East wall of the staircase projection of Building B.

Point 17 is the corner where the exterior face of the North-East wall of Building D meets the exterior face of the North-West wall of the staircase projection of Building B.

Point 18 is the exterior North corner of Building D.

Line joining points 18, 19:

Point 19 is the corner where the exterior face of the North-West wall of Building D meets the exterior face of the South-West supporting wall under the terrace adjoining Building B.

The line joining points 19, 20, 21, 22, 23, 24 follows the exterior face of the outer supporting wall of the terrace.

Line joining points 24, 25, 26:

Point 24 is the exterior Western corner of the same supporting wall.

Point 25 is situated at the intersection of line 24-26 and the extension of the exterior face of the North-East wall of Building B.

Point 26 is the exterior North corner where the wall dividing the Main Buildings Area from Viale Aventino meets the wall of the staircase of the subway.

The line joining points 26, 27, 28, 29, follows the outer wall dividing the Main Buildings Area from the staircase of the subway, and is on the staircase side of the wall.

Line joining points 29, 30:

Point 29 is the corner where the wall of the subway staircase meets the edge of the sidewalk of Viale Aventino.

Point 30 is 5 meters to the North-East from point 29 on the same edge of the same sidewalk.

Line joining points 30, 31:

Point 31 is situated 13 meters from point 30 on a line at right angles to line 29-30.

The combined straight and curved line joining points 31, 1 is to be as shown on Drawing No. 46F.

Garage and Parking Area

The Garage and Parking Area comprises an area of 1,959 square meters, more or less, defined by the lines joining points 32 and 38, as follows:

The line joining points 32, 33, 34, 35 follows the North-West face of the South-West wall of survey Plot No. 186, point 34 being at an angle in the wall and point 32 being the North corner of the garage.

Line joining points 35, 36:

Point 35 is the point where the corner of the South-West wall, described above, of Survey Plot No. 186 meets Viale Guido Baccelli.

Point 36 is the point of intersection between Viale Guido Baccelli and the line joining points 36, 37, 38.

The line joining points 36, 37, 38 is parallel to line 32-34 and 25 meters distant from it.

The line joining points 38, 32 is at 90 degrees to lines 32-34 and 36-38 and forms the North-West façade of the Garage and Parking Area. The part of the Garage and Parking Area defined by the line joining points 32, 33, 37, 38 is to contain the garage itself, and the part defined by the line joining points 33, 34, 35, 36, 37 is to contain an unbuilt-on space for parking purposes.

Area subject to Right of Passage to and from Buildings C and D

The Area Subject to Right of Passage to and from Buildings C and D comprises an area of 3,240 square meters, more or less, defined by the lines joining points 0, 1, 2, 3, 4, 5, B, A, 38, 32, 0.

The line A-B is on the extensions of line 15-18, between point A, on the supporting wall on the small hill of Santa Balbina, and point B, on the South-East façade of "Uffici Cassa". This line is thus parallel to the South-West façade of Building B, and 10 meters distant from it.

This part of the headquarters seat, which is marked on the attached plan by criss-crossing lines, is subject to the right of passage to and from Buildings C and D, but without other diminution of the rights, privileges and powers granted to FAO by the Agreement.

Heating and Cooling Plants Area

The Heating and Cooling Plants Area comprises an area of 464 square meters, more or less, defined by lines joining points 39, 40, 41, 42, and is part of the building formerly intended to house the heating plant for the complete block of Buildings A, B, C, D. The above-mentioned area of 464 square meters, more or less, will house the heating and cooling plants for the headquarters seat. This area comprises an underground hall (26 × 14.6 meters) for the heating plant, with 19 recesses to hold the cooling plant and staircase, and for use as storage space for fuel oil and other fuel, and reservoirs; it also comprises two rooms on the ground floor.

The Heating and Cooling Plants Area, as defined above, is entirely separate from the other part of the same construction serving buildings not included in the headquarters seat, and it has its own entrance in its South-West façade defined by line 40-41.

MARKERS

The boundaries and points of reference described above will be precisely designated by stone marks, white travertine lines on the ground, or bronze wallplates, as the case may be, giving the same reference numbers or letters as appear on Drawing No. 46F. The precise location of these marks will be determined at the site, by mutual agreement, in accordance with this Annex and Drawing No. 46F. These marks, lines or plates will be placed in position gradually, as the work proceeds.

COMMON FACILITIES

The area marked by diagonal lines moving from right top to bottom left on Drawing No. 46F is intended for the common use of the occupants of the headquarters seat and of Buildings C and D, especially for transit purposes.

The occupants of the headquarters seat and of Building D may use, for the same purposes, and for parking, the space reserved for Building C, comprising 2,660 square meters, more or less, until this space is required for the completion of the construction of Building C.

The piping for hot water, steam, cold water, and drinking water, which connects the Heating and Cooling Plants Area of the headquarters seat with the Main Buildings Area, passes through the heating plant serving Buildings D and C and then runs side by side with the piping for Buildings D and C through an underground passage as far as the outer wall of "Uffici Cassa". Where the piping of the headquarters seat passes through land not included in the headquarters seat, the respective passages will be reserved for the common use of the occupants of headquarters seat and of Buildings C and D, for the purpose of supervision and repairs.

At the point of entry of the FAO piping into the headquarters seat under the outer wall of "Uffici Cassa", a metal door will divide the part of the underground passage in common use from that in the exclusive use of FAO.

The chimney in the present small nucleus of Building C, with the respective underground passages, will be reserved for common use for the heating plants

of both FAO and of the Ministry of Posts and Telecommunications and the future Building C.

It is understood that when the Italian Government proceeds to construct Building C, the latter can, on the North-East side, be adjacent to Building B, leaving, at ground-floor level, between the two buildings, a passage as indicated on Drawing No. 46F. It is also understood that during the construction of Building C, the area in common use between its South-West and South-East façades and the outer wall, and that part of the area along its North-East and North-West façades which is strictly necessary, will be available for vehicles, equipment and other reasonable requirements for the progress of the work until the completion of building.

18. AGREEMENT¹ BETWEEN THE GOVERNMENT OF CHILE AND THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS REGARDING THE LATIN AMERICAN REGIONAL OFFICE OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS. SIGNED ON 14 JUNE 1952²

THE GOVERNMENT OF CHILE
AND THE FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS

Desiring to conclude an agreement pursuant to recommendations of the Conference of the Food and Agriculture Organization of the United Nations for the establishment, in Latin America, of Regional Offices of the Organization, have agreed as follows:

Article I

DEFINITIONS

Section 1

In this agreement:

- (a) The expression "FAO" means the Food and Agriculture Organization of the United Nations;
- (b) The expression "Regional Office" means the Regional Office of FAO for Western South America;
- (c) The expression "the Government" means the Government of the Republic of Chile;
- (d) The expression "Director-General" means the Director-General of FAO;
- (e) The expression "Regional Officer" means the officer designated by the Director-General to be in charge of the Regional Office;
- (f) The expression "appropriate Chilean Authorities" means national, state or other authorities in the Republic of Chile in accordance with the laws of the country;

¹ Text of Agreement provided by FAO.

² Put into force provisionally by the Executive, pending ratification by the Chilean Assembly. Ratified by Congress on 23 December 1954 and promulgated on 24 December 1954.

(g) The expression " laws of the Republic of Chile " includes legislative acts, and decrees, regulations and orders, issued by the Government or by appropriate Chilean authorities;

(h) The expression " Regional Office Seat " means the premises occupied by the Regional Office;

(i) The expression " archives of FAO " means records and correspondence, documents, manuscripts, still and moving pictures and films; and sound recordings, belonging to or held by FAO;

(j) The expression " officers of FAO " means all members of the FAO staff engaged by the Director-General or on his behalf;

(k) The expression " Officers of the Regional Office " means all members of the FAO staff designated by FAO for duty in the Regional Office.

(l) The expression " property " used in Articles V and VI means all property, including funds and assets, belonging to FAO or held or administered by FAO in furtherance of its constitutional functions, and in general, all income of FAO.

Article II

THE REGIONAL OFFICE SEAT

Section 2

The Government shall grant free of charge to FAO and FAO shall accept, as from the date of entry into force, and during the life of this Agreement, the use and occupancy of premises and the use of installations and office furniture suitable for the operation of the Regional Office, as shall be described in an exchange of notes between FAO and the Government, to be effected pursuant hereto not later than the date of entry into force of this Agreement.

Section 3

The Government shall provide, free of charge, repairs and internal services required to maintain the Regional Office Seat in a condition suitable for the effective discharge of the functions of the Regional Office, such services to include, among others, cleaning, protection, messenger, mail, telephone, water, electric light and power services, of a quality not inferior to those provided for comparable offices of the Government.

Article III

IMMUNITY OF JURISDICTION

Section 4

The Government recognizes the immunity of jurisdiction of the Regional Office Seat which shall be under the control and authority of FAO as provided in this Agreement.

Section 5

(a) The Regional Office Seat shall be inviolable.

(b) Without prejudice to Article VIII, FAO undertakes to prevent the Regional Office seat from being used as a refuge by persons who are seeking to avoid arrest under any law of the Republic of Chile, who are required by the Government, or who are endeavoring to avoid service of legal process.

Article IV

COMMUNICATIONS

Section 6

FAO shall enjoy for its official communications treatment not less favorable than that accorded by the Government to any other Organization or Government, including foreign diplomatic missions in Chile.

Section 7

FAO shall be entitled for its official purposes to use the railways of the Government under the same conditions as may have been established for resident Diplomatic Missions.

Section 8

Neither the correspondence nor other communications of FAO shall be subject to censorship. This exemption extends, without limitation by reason of this enumeration, to publications, still and moving pictures and films, and sound recording. FAO shall have the right to use codes and to dispatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as are accorded to diplomatic couriers or bags. Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the Government and FAO.

Article V

JURIDICAL PERSONALITY

Section 9

The Government recognizes the juridical personality of FAO, and in particular, its capacity:

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

Article VI

PROPERTY OF FAO AND TAXATION

Section 10

FAO and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case FAO shall have expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 11

The premises of the Regional Office are inviolable. The property of the Regional Offices, 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.

Section 12

The archives of FAO and in general all documents belonging to FAO or held by it shall be inviolable.

Section 13

The holdings, income, and other property of FAO shall be exempt

(a) From any direct taxation, it being understood, however, that FAO will not claim any exemption from taxes which in fact constitute only a payment for useful public services.

(b) From customs duties and prohibitions and restrictions on imports with respect to articles imported or exported by FAO for its official use, it being understood, however, that articles imported under such exemption shall not be sold in the country except in accordance with conditions to be agreed upon hereafter between the Government and FAO.

(c) From customs duties and prohibitions on imports and exports of its publications.

Article VII

FINANCIAL AND EXCHANGE FACILITIES

Section 14

(a) The Regional Office shall not be subject to any financial controls, regulations, or moratoria of any kind, and may freely:

- (i) Purchase negotiable currencies at authorized banks, and hold and dispose of them; operate currency accounts; and purchase through authorized channels, hold and dispose of funds, securities and gold;
- (ii) Transfer its funds, securities, gold and currencies to or from the Republic of Chile, from or to any other country, or within Chile.

(b) FAO shall, in exercising its rights under this section, pay due regard to any representations made by the Government in so far as effect can be given to such representations while at the same time safeguarding the interests of FAO.

Article VIII

TRANSIT AND RESIDENCE

Section 15

(a) The appropriate Chilean authorities shall impose no impediment to transit to or from the Regional Office Seat of the following persons:

- (i) Officers of FAO and their families;
- (ii) Officers of the Regional Office, their families and other members of their household;
- (iii) Persons, other than officers of FAO, performing missions for FAO, and their spouses;
- (iv) Other persons invited to the Regional Office Seat by FAO on official business. The Director-General or the Regional Officer shall communicate the names of such persons to the Government.

(b) This section shall not apply to general interruptions of transportation, and shall not impair the effective application of current laws.

(c) Visas which may be required for persons referred to in this section shall be granted without charge.

(d) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in sub-section (a), or the reasonable application of quarantine and health regulations.

Article IX

OFFICERS OF FAO

Section 16

Officers of FAO shall enjoy within and with respect to the Republic of Chile the following privileges and immunities:

- (a) Immunity from personal arrest or detention;
- (b) Immunity from seizure of their personal and official baggage;
- (c) Immunity from legal process of any kind with respect to words spoken or written, and all acts performed by them in their official capacity, such immunity to continue notwithstanding that the persons concerned may have ceased to be officers of FAO;
- (d) Exemption from any form of direct taxation on salaries, emoluments and indemnities paid to them by FAO;
- (e) Exemption for officers, other than those of Chilean nationality, from any form of direct taxation on income derived from sources outside of the Republic of Chile;
- (f) Exemption, with respect to themselves, their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (g) For officers who are not of Chilean nationality, freedom to maintain within Chile or elsewhere foreign securities, foreign currency accounts, and other movable and immovable property; and at the termination of their FAO employment, the right to take out of Chile without prohibition or restriction, their funds in the same currencies and up to the same amounts as they had brought into Chile through authorized channels;
- (h) The same facilities for repatriation and protection by Chilean authorities, with respect to themselves, their families and other members of their households, as are accorded to diplomatic envoys in time of international crisis;
- (i) The right to import, free of duty and other levies, prohibitions and restrictions on imports, their furniture and effects, including one automobile each, at the time of first taking up their posts in Chile. The transfer of each automobile shall be carried out according to the general procedures established for the resident Diplomatic Corps.

Section 17

All officers of the Regional Office shall be supplied with a special card certifying the fact that they are officers of FAO enjoying the privileges and immunities specified in this Agreement.

Section 18

The Government shall accord to the Regional Officer and to the other permanent senior officers of the Regional Office, who are recognized as such by the Ministry of External Relations, the immunities and privileges indicated in Section 4 of Article VIII of the Constitution of FAO.

For this purpose, said officers of FAO shall be considered by the Ministry of External Relations to have status equivalent to the several diplomatic categories, and shall enjoy the customs exemption defined in Section 1901 of the Customs Tariff.

Section 19

(a) The privileges and immunities accorded by this Agreement are conferred in the interests of FAO and not for the personal benefit of the individuals themselves. The Director-General shall waive the immunity of any officer in any case where, in his opinion, the immunity would impede the course of justice and could be waived without prejudice to the interests of FAO.

(b) FAO and its officers shall co-operate at all times with the appropriate Chilean authorities to facilitate the proper administration of justice, to secure the observance of police regulations, and to prevent the occurrence of any abuses in the exercise of the privileges and immunities accorded by this Agreement.

Article X

PERSONS OTHER THAN OFFICERS OF FAO

Section 20

Persons, other than officers of FAO, who are members of FAO missions or who are invited to the Regional Office Seat by FAO on official business, shall be accorded the privileges and immunities specified in Section 16 of Article IX, except those specified in sub-section (i) thereof, and provided further that the persons in question are not of Chilean nationality.

Article XI

LAISSEZ-PASSER

Section 21

The Government shall recognize and accept the United Nations Laissez-passer issued to officers of FAO as a valid travel document equivalent to a passport.

Article XII

GENERAL PROVISIONS

Section 22

(a) The Director-General and the Regional Officer shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this Agreement shall occur, and for this purpose shall establish such rules and regulations as they may deem necessary and expedient, for officers of FAO and persons members of missions of the Organization.

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

Article XIII

SUPPLEMENTAL AGREEMENTS AND SETTLEMENT OF DISPUTES

Section 23

(a) The Government and FAO may enter into such supplemental agreements as may be necessary within the scope of this Agreement;

(b) The Convention on Privileges and Immunities of the Specialized Agencies and this Agreement shall, where they relate to the same subject matter, be treated wherever possible as complementary; but in case of conflict, the provisions of the Convention shall prevail.

Section 24

Any dispute between the Government and FAO concerning the interpretation or application of this Agreement or any supplemental agreements, or any question affecting the Regional Office Seat or the relationship between FAO and the Government, shall be resolved in accordance with the procedure indicated in Section 24 and Section 32 of the Convention on the Privileges and Immunities of the Specialized Agencies.

19. AGREEMENT ¹ BETWEEN THE GOVERNMENT OF EGYPT AND THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS REGARDING THE NEAR EAST REGIONAL OFFICE OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS. SIGNED ON 17 AUGUST 1952 ²

THE GOVERNMENT OF THE KINGDOM OF EGYPT
and
THE FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS

Desiring to conclude an agreement pursuant to recommendations of the Conference of the Food and Agriculture Organization of the United Nations regarding the Near East Regional Office of the Food and Agriculture Organization of the United Nations, have agreed as follows:

Article I

DEFINITIONS

Section 1

In this Agreement:

- (a) The expression "FAO" means the Food and Agriculture Organization of the United Nations;
- (b) The expression "Regional Office" means the Near East Regional Office of FAO;
- (c) The expression "The Government" means the Government of the Kingdom of Egypt;
- (d) The expression "Director-General" means the Director-General of FAO;
- (e) The expression "Regional Representative" means the Regional Representative for the Near East of the Director-General of FAO, and in his absence, his duly authorised Deputy;

¹ Text of Agreement provided by FAO.

² Entered into force on 1 January 1953.

(f) The expression “appropriate Egyptian Authorities” means such national or other authorities in the Kingdom of Egypt as may be appropriate in the context and in accordance with the laws and customs applicable in the Kingdom of Egypt;

(g) The expression “laws of the Kingdom of Egypt” includes legislative acts, and decrees, regulations or orders, issued by or under authority of the Government or appropriate Egyptian Authorities;

(h) The expression “Regional Office Seat” means the premises occupied by the Regional Office;

(i) The expression “archives of FAO” includes records and correspondence, documents, manuscripts, still and moving pictures and films; and sound recordings, belonging to or held by FAO;

(j) The expression “Officers of FAO” means all ranks of the FAO Secretariat engaged by the Director-General or on his behalf whose names are included on a list submitted to the Government;

(k) The expression “property” as used in Articles IV and V means all property, including funds and assets, belonging to FAO or held or administered by FAO in furtherance of its constitutional functions, and all income of FAO.

Article II

THE REGIONAL OFFICE SEAT

Section 2

The Government grants free of charge to FAO and FAO accepts as from the date of entry into force and during the life of this Agreement, the use and occupancy of premises and the use of installations and Office furniture suitable for the operation of the Regional Office.

Section 3

(a) Except as otherwise provided in this Agreement, the laws of the Kingdom of Egypt shall apply within the Regional Office Seat;

(b) Except as otherwise provided in this Agreement, the national, state and local courts of the Kingdom of Egypt shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the Regional Office Seat.

Section 4

(a) The Regional Office Seat shall be inviolable. No national or local officer or official of Egypt or other person exercising any public authority within the Kingdom of Egypt shall enter the Regional Office Seat to perform any duties therein except with the consent of, and under conditions approved by the Regional Representative or the Director-General. The service of legal process, including the seizure of private property, may take place within the Regional Office Seat only with the consent of, and under conditions approved by the Regional Representative or the Director-General.

(b) Without prejudice to Article VII, FAO shall prevent the Regional Office Seat from being used as a refuge by persons who are avoiding arrest under any law of the Kingdom of Egypt, required by the Government for extradition to another country, or endeavouring to avoid service of legal process.

(c) The appropriate Egyptian authorities shall exercise due diligence to ensure that the tranquillity of the Regional Office Seat is not disturbed by any person or group of persons attempting unauthorised entry or creating disturbances in the immediate vicinity of the Regional Office Seat.

Article III

COMMUNICATIONS

Section 5

FAO shall enjoy for its duly authenticated official communications treatment not less favorable than that accorded by the Government to any other Organization or Government, including diplomatic missions of such other Government, in the matter of priorities and rates on mails, cables, telegrams, radiograms, tele-photos, telephone and other communications; and press rates for information to press and radio.

Section 6

FAO shall be entitled for its official purposes to use the railway facilities of the Government at special tariffs which shall not exceed the lowest rates of fares and freights accorded to Egyptian governmental administrations. The Government will endeavour to arrange for FAO to use air and other transportation services of private companies at the same rates accorded to the Government.

Section 7

(a) All duly authenticated official communications directed to the Regional Office, or to any of its officers at the Regional Office Seat, and all duly authenticated outward official communications of the Regional Office by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures and films, and sound recordings. In case of emergency requiring the enforcement of censorship in Egypt, the appropriate Egyptian authorities shall consult with the Regional Representative with a view to reaching agreement on appropriate steps to be taken by him or by the appropriate Egyptian authorities in order to avoid abuse of the immunity from censorship enjoyed by the official communications of FAO and its officers.

(b) FAO shall have the right to use codes and to despatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

(c) Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by supplemental agreement between FAO and the Government.

Article IV

JURIDICAL PERSONALITY AND FREEDOM OF ASSEMBLY

Section 8

The Government recognises the juridical personality of FAO and, in particular, its capacity;

- (a) To contract;
- (b) To acquire and dispose of movable and immovable property in accordance with the laws of the country;
- (c) To institute legal proceedings.

Section 9

The Government recognises the right of FAO to convene meetings within the Regional Office Seat, or with the concurrence of the appropriate Egyptian Authorities, elsewhere in Egypt. At meetings convened by FAO, the Government shall take all proper steps to ensure that no impediment is placed in the way of full freedom of discussion and decision.

Article V

PROPERTY OF FAO AND TAXATION

Section 10

FAO and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case FAO shall have expressly waived its immunity. It is however understood that no waiver of immunity shall extend to any measures of execution.

Section 11

The property of FAO, wherever located and by whomsoever held shall be immune from search, requisition, confiscation, and any other form of interference, whether by executive, administrative, juridical or legislative action, and it may only be appropriated by the Government on account of necessity and by agreement between FAO and the Government, subject to adequate compensation.

Section 12

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

Section 13

(a) FAO and its property shall be exempt from any form of direct taxation.

It is understood, however, that FAO will not claim exemption from taxes which are in fact no more than charges for public utility services.

(b) Articles and goods imported or exported by FAO for official purposes shall be exempt from customs duties and other levies, prohibitions and restrictions on imports and exports. Such articles and goods shall include, without limitation by reason of this enumeration, publications, still and moving pictures, and film and sound recordings. It is understood, however, that such articles and goods imported or exported under such exemption will not be sold or ceded in Egypt except under conditions agreed with the Government.

While the Organization will not, as a general rule, in the case of minor purchases, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless, when the Organization is making important purchases for official use of property on which such duties and taxes have been charged

or are chargeable, the Government of Egypt shall make appropriate administrative arrangements for the remission of return of the amount of duty or tax.

(c) The Government shall continue to grant allotments of gasoline or other required fuels and lubricating oils for vehicles required for the official use of FAO in quantities and at rates prevailing for diplomatic missions in Egypt.

Article VI

FINANCIAL FACILITIES

Section 14

(a) Without being restricted by any financial controls, regulations or moratoria of any kind, FAO may freely:

- (i) Purchase negotiable currencies at authorised banks and hold and dispose of them; operate currency accounts; and purchase through authorised channels hold and dispose of funds and securities;
- (ii) Transfer its funds, securities and currencies to or from Egypt, from or to any other country, or within Egypt.

(b) FAO shall, in exercising its right under this section, pay due regard to any representations made by the Government in so far as effect can be given to such representations while at the same time safeguarding the interests of FAO.

Section 15

The Government shall assist FAO to obtain the most favourable conditions as regards exchange rates, banking commissions in exchange transactions, and the like.

Article VII

OFFICIAL TRAVEL

Section 16

(a) The appropriate Egyptian Authorities shall impose no impediment to transit to or from the Regional Office Seat of the following persons, irrespective of their nationalities, and shall afford them any necessary protection in transit:

- (i) Officers of FAO and their families;
- (ii) Officers of the Regional Office, their families and other members of their household;
- (iii) Persons, other than officers of FAO, performing missions for FAO, and their spouses;
- (iv) Other persons invited to the Regional Office Seat by FAO on official business. The Regional Representative or the Director-General shall communicate the names of such persons to the Government within a reasonable time.

(b) This section shall not apply to general interruptions of transportation, and shall not impair the effectiveness of generally applicable laws as to the operation of means of transportation.

(c) Visas which may be required for persons referred to in this section shall be granted without charge and as promptly as possible.

(d) No activity performed by any such person in his official capacity as described in sub-section (a) shall constitute a reason for preventing his entry into Egypt or for requiring him to leave Egypt.

(e) In case of abuse of the privilege of residents by any such person in activities in Egypt outside his official capacity, such privilege shall not be construed to grant him exemption from the laws of the Kingdom of Egypt regarding the continued residence of aliens, provided that:

- (i) No proceeding shall be instituted under such laws to require any such person to leave Egypt except with the prior approval of the Minister of Foreign Affairs of the Kingdom of Egypt;
- (ii) Such approval shall be given only after consultation with the Regional Representative or the Director-General;
- (iii) Persons who are entitled to diplomatic privileges and immunities shall not be required to leave Egypt otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the Kingdom of Egypt.

(f) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in sub-section (a), or the reasonable application of quarantine and health regulations.

Article VIII

OFFICERS OF FAO

Section 17

Officers of FAO shall enjoy within and with respect to the Kingdom of Egypt the following privileges and immunities:

- (a) Immunity from seizure of their personal and official baggage;
 - (b) Immunity from legal process of any kind from personal arrest or detention with respect to words spoken or written and all acts performed by them in their official capacity, such immunity to continue notwithstanding that the persons concerned may have ceased to be officers of FAO;
- In any case the Government shall take all possible measures to protect FAO officers and their families against unwarranted detention;
- (c) Exemption from any form of direct taxation on salaries, emoluments and indemnities paid to them by FAO;
 - (d) Exemption for officers of other than Egyptian citizenship from any form of direct taxation on income derived from sources outside Egypt;
 - (e) Exemption, with respect to themselves, their spouses and relatives dependent on them, from immigration restrictions and alien registration;
 - (f) Exemption from national service obligations, provided that with respect to Egyptian citizens such exemption shall be confined to officers whose names have, by reason of their duties, been placed upon a list compiled by FAO and approved by the Government; provided further, that should other officers who are Egyptian citizens be called up for national service, the Government shall, upon request of FAO, grant such temporary deferments in the call-up of such officers, as may be necessary to avoid interruption in the continuation of essential work;
 - (g) For officers who are not Egyptian citizens, the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to Egypt;

(h) The same protection and repatriation facilities with respect to themselves, their families and other members of their households, as are accorded to diplomatic envoys in time of international crisis;

(i) The right to import free of duty and other levies prohibitions and restrictions on imports;

(i) Their furniture and effects including one automobile each at the time of first taking up their posts in Egypt, or upon their permanent appointment to them,

(ii) Necessary additions to, or replacements of the same thereafter.

It is understood that duty will become payable in the event of sale or disposal to a person not entitled to this exemption.

Section 18

(a) In addition to the privileges and immunities specified in Section 17;

(i) The Director-General, the Deputy Director-General, the Regional Representative in Egypt and his Deputy shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international laws and usage;

(ii) On the recommendation of the Regional Representative to the Ministry of Foreign Affairs certain additional senior Officers of FAO, attached to the staff of the Regional Office and whose number shall be determined by mutual agreement, may be accorded individually, and on the grounds of their responsibilities in FAO, privileges and immunities, exemption and facilities not less than those accorded to members of the Diplomatic Corps of similar rank;

(iii) Officials mentioned in these sub-sections (i) and (ii) shall have the right to import free of duty and other levies, prohibitions and restrictions on imports, through the medium of FAO, reasonable quantities to be agreed upon in accordance with a procedure to be established between the Government and FAO of foodstuffs, alcoholic beverages, cigars, cigarettes, tobacco and other articles for personal use and consumption and not for gift or sale.

(b) All Officers of the Regional Office not mentioned in sub-section (a) shall be supplied with a special card certifying the fact that they are officers of FAO enjoying the privileges and immunities specified in this Agreement and in particular in Section 17.

Section 19

Persons, other than officers of FAO, who are members of FAO missions, or who are invited to the Regional Office Seat by FAO on official business, shall be accorded the privileges and immunities specified in Section 17, except sub-section (i).

Section 20

The Government shall recognise and accept as a valid travel document equivalent to a passport, the United Nations Laissez-passer issued to Officers of FAO under administrative arrangements concluded between the Director-General of FAO and the Secretary-General of the United Nations.

Section 21

(a) The privileges and immunities accorded by this Article are conferred in the interests of FAO and not for the personal benefit of the individuals themselves. FAO shall waive the immunity of any Officer in any case where, in his opinion, the immunity would impede the course of justice and could be waived without prejudice to the interests of FAO.

(b) FAO and its officers shall co-operate at all times with the appropriate Egyptian authorities to facilitate the proper administration of justice, to secure the observance of police regulations and to prevent the occurrence of any abuses in connection with the privileges and immunities accorded by this article.

(c) FAO shall at the request of the Government withdraw from the territory of Egypt any FAO officer whose conduct, apart from his official duties, is found to be contrary to the interest of the Government.

Article IX

GENERAL PROVISIONS

Section 22

(a) The Regional Representative and the Director-General shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this Agreement shall occur, and for this purpose shall establish such rules and regulations as they may deem necessary and expedient for officers of FAO and persons performing missions for FAO;

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

(c) Without prejudice to the independent and proper working of FAO, the Government may, after consultation with the Regional Representative of the Director-General, take all precautionary measures necessary to the national interests and security.

Article X

SUPPLEMENTAL AGREEMENT AND SETTLEMENT OF DISPUTES

Section 23

(a) The Government and FAO may enter into such supplemental agreements as may be necessary within the scope of this Agreement;

(b) The Convention on Privileges and Immunities of the Specialized Agencies and the present Agreement shall, where they relate to the same subject matter, be treated wherever possible as complementary; but in case of conflict, the provisions of this Agreement shall prevail.

Section 24

Any dispute between FAO and the Government concerning the interpretation or application of this Agreement or any supplemental agreements, or any question affecting the Regional Office Seat or the relationship

between FAO and the Government, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators; one to be chosen by the Director-General, one to be chosen by the Minister of Foreign Affairs of the Kingdom of Egypt, and the third, who shall be Chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third, such third arbitrator shall be chosen by the President of the International Court of Justice.

Article XI

OPERATION OF THIS AGREEMENT

Section 25

(a) This Agreement shall enter into force upon an exchange of notes between the duly authorised representative of the Government and the Director-General.

(b) Consultations with respect to modification of this Agreement shall be entered into at the request of the Government or FAO. Any such modification shall be by mutual consent.

(c) This Agreement shall be construed in the light of its primary purpose to enable the Regional Office fully and efficiently to discharge its responsibilities and fulfil its purpose.

(d) Wherever this Agreement imposes obligations on the appropriate Egyptian authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.

(e) This Agreement and any supplementary agreement entered into by the Government and FAO pursuant to this Agreement shall cease to be in force six months after either the Government or FAO shall have given notice in writing to the other, of its decision to determinate this Agreement, except for such provisions as may be applicable in connection with the orderly termination of the operations of FAO at its Regional Office in the Kingdom of Egypt, and the disposition of its property therein.

20. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THAILAND AND THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS REGARDING THE FAR EAST REGIONAL OFFICE OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS. ENTERED INTO FORCE ON 6 FEBRUARY 1957²

THE GOVERNMENT OF THE KINGDOM OF THAILAND
AND THE FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS

Desiring to conclude an agreement pursuant to recommendations of the Conference of the Food and Agriculture Organization of the United Nations regarding the Far East Regional Office of the Food and Agriculture Organization of the United Nations, have agreed as follows:

¹ Identical Agreement was concluded with the Government of Ghana (entered into force on 22 December 1959).

² Text of Agreement provided by FAO.

Article I

DEFINITIONS

Section 1

In this Agreement:

- (a) The expression "FAO" means the Food and Agriculture Organization of the United Nations;
- (b) The expression "Regional Office" means the Far East Regional Office of FAO;
- (c) The expression "The Government" means the Government of the Kingdom of Thailand;
- (d) The expression "Director-General" means the Director-General of FAO, and during his absence from duty the Deputy Director-General of FAO, or any officer designated by him to act on his behalf;
- (e) The expression "Regional Representative" means the Regional Representative for Asia and the Far East of the Director-General of FAO, and in his absence, his duly authorized Deputy;
- (f) The expression "appropriate Thai Authorities" means such national, or other authorities in the Kingdom of Thailand as may be appropriate in the context and in accordance with the laws and customs applicable in the Kingdom of Thailand;
- (g) The expression "laws of the Kingdom of Thailand" includes legislative acts and decrees, regulations or orders, issued by or under authority of the Government or appropriate Thai authorities;
- (h) The expression "Member Nation" means a nation which is a member of FAO;
- (i) The expression "Representatives of Member Nations" includes all representatives, alternates, advisers and technical experts and secretaries of delegations;
- (j) The expression "meetings convened by FAO" means meetings of the Conference of FAO, the Council of FAO, any international conference or other gathering convened by FAO, and any commission, committee or sub-group of any of these bodies;
- (k) The expression "Regional Office Seat" means the premises occupied by the Regional Office;
- (l) The expression "archives of FAO" includes records and correspondence, documents, manuscripts, still and moving pictures and films, and sound recordings belonging to or held by FAO;
- (m) The expression "Officers of FAO" means all ranks of the FAO Secretariat engaged by the Director-General or on his behalf, other than manual workers locally recruited;
- (n) The expression "property" as used in Article VIII, means all property, including funds and assets, belonging to FAO or held or administered by FAO in furtherance of its constitutional functions, and all income of FAO.

Article II

JURIDICAL PERSONALITY AND FREEDOM OF ASSEMBLY

Section 2

The Government recognizes the juridical personality of FAO, and FAO shall have the capacity,

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

Section 3

The Government recognizes the right of FAO to convene meetings within the Regional Office Seat, or with the concurrence of the appropriate Thai authorities, elsewhere in Thailand. At meetings convened by FAO, the Government shall take all proper steps to ensure that no impediment is placed in the way of full freedom of discussions and decision.

Article III

THE REGIONAL OFFICE SEAT

Section 4

The Government grants free of charge to FAO and FAO accepts as from the date of entry into force and during the life of this Agreement, the use and occupancy of premises known as Maliwan Mansion located at Phra Atit Road, Bangkok, and the use of installations and office furniture therein contained for the operation of the Regional Office. Such installations and furniture shall be described in an exchange of notes between FAO and the Government to be effected at the time of entry into force of this Agreement.

Section 5

With respect to the Regional Office Seat and the installations therein provided by the Government:

- (a) Except in case of faults attributable to FAO, the Government shall be responsible for all charges of major repairs of a non-recurring nature, in particular, but without limitation by reason of this enumeration, the repair of damage resulting from fire, force majeure, structural defects or deterioration; for the replacement, when and if necessary, of such installations, and for the replacement within a reasonable period, of any building or part thereof in the Regional Office Seat which may be totally or partially destroyed;
- (b) FAO shall be responsible for all ordinary repairs for the upkeep and maintenance of the premises and installations.

Article IV

INVIOABILITY OF THE REGIONAL OFFICE SEAT

Section 6

- (a) The Government recognizes the inviolability of the Regional Office Seat which shall be under the control and authority of FAO, as provided in this Agreement.
- (b) No officer or official of the Government, whether administrative, judicial, military or police shall enter the Regional Office Seat to perform any official duties therein except with the consent of, and under conditions agreed to, by the Director-General or the Regional Representative.
- (c) Without prejudice to the provisions of Article X, FAO shall prevent the Regional Office Seat from being used as a refuge by persons who are avoiding arrest under any law of Thailand, or who are required by the

Government for extradition to another country, or who are endeavoring to avoid service of legal process or judicial proceedings.

Article V

PROTECTION OF THE REGIONAL OFFICE SEAT

Section 7

(a) The appropriate Thai authorities shall exercise due diligence to ensure that the tranquillity of the Regional Office Seat is not disturbed by any person or group of persons attempting unauthorized entry or creating disturbances in the immediate vicinity of the Regional Office Seat.

(b) If so requested by the Regional Representative, the appropriate Thai authorities shall provide a sufficient number of police for the preservation of law and order in the Regional Office Seat and for the removal therefrom of offenders.

Article VI

PUBLIC SERVICES

Section 8

(a) The appropriate Thai authorities shall exercise, to the extent requested by the Director-General or the Regional Representative, their respective powers to ensure that the Regional Office Seat shall be supplied with the necessary public services, including, without limitation by reason of this enumeration, fire protection, electricity, water, sewerage, post, telephone, and telegraph, and that such services shall be supplied on equitable terms. In case of any interruption or threatened interruption of any such services, the appropriate Thai authorities shall consider the needs of FAO as being of equal importance with those of essential agencies of the Government and shall take steps accordingly to ensure that the work of FAO is not prejudiced.

(b) Where electricity or water is supplied by appropriate Thai authorities or bodies under their control, FAO shall be supplied at special tariffs which shall not exceed the lowest rates accorded to Thai governmental administration.

Article VII

COMMUNICATIONS

Section 9

FAO shall enjoy for its official communications treatment not less favorable than that accorded by the Government to any other Organization or Government, including the diplomatic mission of any such other Government, in the matter of priorities and rates on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to press and radio.

Section 10

FAO shall be entitled, for its official purposes, to use the transport facilities of the Government under the same conditions as may be granted to resident diplomatic missions.

Section 11

(a) No censorship shall be applied to the official correspondence nor other communications of FAO. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, and films and sound recordings. In case of emergency requiring the enforcement of censorship in Thailand, the appropriate Thai authorities shall consult with the Regional Representative with a view to reaching agreement on appropriate steps to be taken by him or by the appropriate Thai authorities in order to avoid abuse of the immunity from censorship enjoyed by the official communications of FAO and its officers.

(b) FAO shall have the right to use codes and to despatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

(c) Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by supplemental agreement between FAO and the Government.

Article VIII

PROPERTY OF FAO AND TAXATION

Section 12

FAO, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case the Director-General shall have expressly waived its immunity. It is however understood that no waiver of immunity shall extend to any measure of execution.

Section 13

The property and assets of FAO, 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.

Section 14

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

Section 15

The assets, income and other property of FAO shall be exempt:

(a) From any form of direct taxation. FAO, however, will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(b) From customs duties and from prohibitions and restrictions on imports and exports in respect of articles imported or exported by FAO for its official use, on the understanding that articles imported under such exemption will not be sold within the country except in accordance with conditions to be mutually agreed upon;

(c) From customs duties and prohibitions and restrictions in respect of the import and export of its publications, still and moving pictures and films and sound recordings.

Section 16

(a) FAO shall be exempt from levies and duties on operations and transactions, and from excise duties, sales and luxury taxes and all other indirect taxes when it is making important purchases for official use by PAO of property on which such duties or taxes are normally chargeable. However, FAO will not, as a general rule, claim exemption from excise duties, and from taxes on the sale of movable and immovable property which form part of the price to be paid, and cannot be identified separately from the sale price;

(b) The Government shall grant allotments of gasoline or other required fuels and lubricating oils for vehicles required for the official use of FAO in quantities and at rates prevailing for diplomatic missions in Thailand.

Article IX

FINANCIAL FACILITIES

Section 17

(a) Without any financial controls, regulations or moratoria of any kind:

- (i) FAO may hold funds, gold or currency of any kind and operate foreign currency accounts in any currency;
- (ii) FAO shall be free to transfer its funds, securities, gold or currency from one country to another or within Thailand and to convert any currency held by it into any other currency;

(b) FAO shall, in exercising its rights under this section, pay due regard to any representations made by the Government in so far as effect can be given to such representations without detriment to the interest of FAO.

(c) The Government shall render to FAO the same privileges as accorded to diplomatic missions in respect of exchange facilities.

Article X

TRANSIT AND RESIDENCE

Section 18

(a) The appropriate Thai authorities shall impose no impediment to transit to or from the Regional Office Seat, or to residence of the following persons, irrespective of their nationalities, when on official FAO business, and shall afford them any necessary protection:

- (i) The Chairman of the Council of FAO, representatives of Member Nations, the United Nations, or any Specialized Agency of the United Nations, and their spouses;
- (ii) Officers of FAO and their families;
- (iii) Officers of the Regional Office, their families and other members of their households;
- (iv) Persons other than officers of FAO, performing missions for FAO, and their spouses;
- (v) Other persons invited to the Regional Office Seat on official business. The Regional Representative or the Director-General shall communicate the names of such persons to the Government within a reasonable time;

(b) This section shall not apply to general interruptions in transportation, which shall be dealt with as provided in Section 8 (a) and shall not impair the effectiveness of generally applicable laws as to the operation of means of transportation.

(c) Visas which may be required for persons referred to in this section shall be granted without charge and as promptly as possible.

(d) No activity performed by any such person in his official capacity as described in sub-section (a) shall constitute a reason for preventing his entry into Thailand or for requiring him to leave Thailand.

(e) In case of abuse of the privilege of transit or residence by any such person in activities in Thailand outside his official capacity, such privilege shall not be construed to grant him exemption from the laws of the Kingdom of Thailand regarding residence of aliens, provided that:

(i) No proceeding shall be instituted under such laws to require any such person to leave Thailand except with the prior approval of the Minister of Foreign Affairs of the Kingdom of Thailand;

(ii) In the case of the representative of a Member Nation, such approval shall be given only after consultation with the government of the appropriate Member Nation;

(iii) In the case of any other person mentioned in sub-section (a), such approval shall be given only after consultation with the Regional Representative of the Director-General, the Secretary-General of the United Nations or the principal executive officer of the appropriate Specialized Agency, as the case may be;

(iv) A representative of the Member Nation concerned, the Regional Representative or the Director-General, the Secretary-General of the United Nations, or the principal executive officer of the appropriate Specialized Agency, as the case may be, shall have the right to appear and be heard in any such proceedings on behalf of the person against whom they shall have been instituted;

(v) Persons who are entitled to diplomatic privileges and immunities shall not be required to leave Thailand otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the Kingdom of Thailand;

(f) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in sub-section (a), or the reasonable application of quarantine and health regulations.

Article XI

CHAIRMAN OF COUNCIL AND REPRESENTATIVES AT MEETINGS

Section 19

The Chairman of the Council of FAO, representatives of Member Nations, representatives or observers of other Nations, and representatives of the United Nations and its Specialized Agencies at meetings convened by FAO shall be entitled, in the territory of Thailand while exercising their functions and during their journeys to and from the Regional Office Seat and other places of meetings, to the same privileges and immunities as are provided for under Article V (Sections 13 to 17 inclusive) of the Convention on the

Privileges and Immunities of the Specialized Agencies, and in paragraph 1 of Annex 2 to that Convention.

Article XII

OFFICERS OF FAO, MEMBERS OF FAO MISSIONS,

PERSONS INVITED TO THE REGIONAL OFFICE SEAT ON OFFICIAL BUSINESS

Section 20

Officers of FAO shall enjoy within and with respect to the Kingdom of Thailand the following privileges and immunities:

- (a) Immunity from personal arrest or detention;
- (b) Immunity from seizure of their personal and official baggage;
- (c) Immunity from legal process of any kind with respect to words spoken or written and all acts performed by them in their official capacity, such immunity to continue notwithstanding the fact that the persons concerned might have ceased to be officers of FAO;
- (d) Exemption from any form of direct taxation on salaries and emoluments paid to them by FAO;
- (e) Exemption for officers of other than Thai citizenship from any form of direct taxation on income derived from sources outside Thailand;
- (f) Exemption, with respect to themselves, their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (g) Exemption from national service obligations for officers of FAO who are not Thai citizens;
- (h) For officers who are not Thai citizens, freedom to maintain within Thailand or elsewhere foreign securities and other movable and immovable property; and while employed by FAO and at the time of termination of such employment, the right to take out of Thailand funds in United States dollars or other currencies without any restrictions or limitation provided that the said officers can show good cause for their lawful possession of such funds. In particular, they shall have the right to take out of Thailand their funds in the same currencies and up to the same amounts as they brought into Thailand through authorized channels;
- (i) The same protection and repatriation facilities with respect to themselves, their families and other members of their households, as are accorded to diplomatic envoys in time of international crisis;
- (j) The right to import, free of duty and other levies, prohibitions and restrictions on import, their furniture and effects within six months after first taking up their posts in Thailand, or, in the case of officers who have not completed their probationary periods, within six months after confirmation of their employment with FAO; the same regulations shall apply in the case of importation, transfer and replacement of automobiles as are in force for the resident members of diplomatic missions of comparable rank.

Section 21

The names of the officers of FAO shall be communicated to the appropriate Thai authorities from time to time.

Section 22

(a) The Government shall accord to the Regional Representative and senior officers of the Regional Office designated by the Director-General diplomatic privileges and immunities.

(b) For this purpose the Regional Representative and senior officers of the Regional Office shall be incorporated by the Ministry of Foreign Affairs, in consultation with the Director-General, into the appropriate diplomatic categories and shall enjoy the customs exemptions granted to such diplomatic categories in Thailand.

(c) All officers of FAO shall be provided with a special identity card certifying the fact that they are officers of FAO enjoying the privileges and immunities specified in this Agreement.

Section 23

Persons other than officers of FAO, who are members of FAO missions, or who are invited to the Regional Office Seat by FAO on official business, shall be accorded the privileges and immunities specified in Section 20, except those specified in sub-section (j).

Section 24

(a) The privileges and immunities accorded by this Article are conferred in the interests of FAO and not for the personal benefit of the individuals themselves. The Director-General shall waive the immunity of any Officer in any case where, in his opinion, the immunity would impede the course of justice and could be waived without prejudice to the interests of FAO.

(b) FAO and its officers shall co-operate at all times with the appropriate Thai authorities to facilitate the proper administration of justice, to secure the observance of police regulations and to prevent the occurrence of any abuses in connection with the privileges and immunities accorded by this Article.

Article XIII

LAISSEZ-PASSER

Section 25

The Government shall recognize and accept the United Nations Laissez-passer issued to officers of FAO, and to the Chairman of the Council, as a valid travel document equivalent to a passport. Applications for visas from holders of United Nations Laissez-passer shall be dealt with as speedily as possible.

Section 26

Similar facilities to those specified in Section 25 shall be accorded to persons, who, though not the holders of United Nations Laissez-passer, have a certificate that they are traveling on the business of FAO.

Article XIV

GENERAL PROVISIONS

Section 27

(a) The Director-General and the Regional Representative shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this Agreement shall occur, and for this purpose shall establish such rules and regulations as they may deem necessary and expedient for officers of FAO and persons performing missions for FAO.

(b) Should the Government consider that an abuse of privilege or immunity conferred by this Agreement has occurred, the Director-General or

the Regional Representative shall, upon request, consult with the appropriate Thai authorities to determine whether any such abuse has occurred. If such consultations fail to achieve a result satisfactory to the Director-General and the Government, the matter shall be determined in accordance with the procedure set out in Article XV.

Article XV

SUPPLEMENTAL AGREEMENTS AND SETTLEMENT OF DISPUTES

Section 28

(a) The Government and FAO may enter into such supplemental agreements as may be necessary within the scope of this Agreement.

(b) Upon accession by Thailand to the Convention on the Privileges and Immunities of the Specialized Agencies, such Convention and this Agreement shall, where they relate to the same subject matter, be treated as complementary.

Section 29

Any dispute between FAO and the Government concerning the interpretation or application of this Agreement or any supplemental agreements, or any question affecting the Regional Office Seat or the relationships between FAO and the Government, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators; one to be chosen by the Director-General, one to be chosen by the Minister of Foreign Affairs of the Kingdom of Thailand, and the third, who shall be Chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third, such third arbitrator shall be chosen by the President of the International Court of Justice.

Article XVI

ENTRY INTO FORCE, OPERATION, AND DENUNCIATION

Section 30

(a) This Agreement shall enter into force upon approval by the FAO Council and ratification by the Government.

(b) Consultations with respect to modification of this Agreement shall be entered into at the request of the Government or FAO. Any such modification shall be by mutual consent.

(c) This Agreement shall be construed in the light of its primary purpose to enable the Regional Office fully and efficiently to discharge its responsibilities and fulfill its purpose.

(d) Where this Agreement imposes obligations on the appropriate Thai authorities, the ultimate responsibility for the fulfillment of such obligations shall rest with the Government.

(e) This Agreement and any supplemental agreement entered into by the Government and FAO pursuant to this Agreement shall cease to be in force six months after either the Government or FAO shall have given notice in writing to the other of its decision to terminate this Agreement, except for such provisions as may be applicable in connection with the orderly termination of the operations of FAO at its Regional Office in the Kingdom of Thailand and the disposition of its property therein.

21. CONSTITUTION OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION. SIGNED AT LONDON, 16 NOVEMBER 1945^{1 2}

Article XII

LEGAL STATUS OF THE ORGANIZATION

The provisions of Articles 104 and 105 of the Charter of the United Nations Organization concerning the legal status of that Organization, its privileges and immunities shall apply in the same way to this Organization.

22. ÉCHANGE DE LETTRES ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE CUBA ET L'ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE, EN DATE DES 30 AOÛT ET 9 SEPTEMBRE 1949³

La Havane, le 30 août 1949

Monsieur le Directeur général,

J'ai l'honneur de me référer à la résolution adoptée le 13 juin 1949 par le Conseil exécutif de l'Organisation des Nations Unies pour l'éducation, la science et la culture, relativement à l'établissement à La Havane d'un Bureau régional pour l'hémisphère occidental.

À la suite des échanges de vues intervenus entre nous à ce sujet, je désire préciser comme suit les facilités, immunités et privilèges que le Gouvernement de la République de Cuba est disposé à accorder ou à reconnaître sur son territoire à l'Organisation des Nations Unies pour l'éducation, la science et la culture, en vue de l'établissement à La Havane du Bureau régional prévu à la résolution précitée:

A. — Facilités matérielles

1. — Le Gouvernement cubain mettra gratuitement à la disposition de l'Organisation des Nations Unies pour l'éducation, la science et la culture, les locaux nécessaires à l'exercice de l'activité de son Bureau régional pour

¹ United Nations, *Treaty Series*, vol. 4, p. 275.

² States which are parties (up to 1 January 1960): Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Germany (Fed. Rep.), Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Israel, Italy, Japan, Jordan, Korea (Rep. of), Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Monaco, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Saudi Arabia, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic (with reservation), United Kingdom, United States, Uruguay, Venezuela, Viet-Nam (Rep. of), Yugoslavia.

³ Le texte de ces lettres a été fourni par l'Organisation des Nations Unies pour l'éducation, la science et la culture.

l'hémisphère occidental. Ces locaux seront meublés de manière adéquate par le Gouvernement cubain.

Le choix desdits locaux, leur changement éventuel, se fera d'un commun accord entre le Gouvernement cubain et le Directeur général de l'Organisation des Nations Unies pour l'éducation, la science et la culture.

2. — Le Gouvernement cubain s'engage à verser à l'Organisation, indépendamment de la participation financière prévue à l'Article IX de l'Acte constitutif de l'UNESCO, une subvention annuelle spéciale de dix mille dollars (U.S.A.), qui sera affectée aux frais du bureau régional pour l'hémisphère occidental. Le Gouvernement cubain versera à titre de subvention pour l'année 1949 le montant intégral de dix mille dollars prévu ci-dessus.

B. — *Inviolabilité des locaux et lieux de réunion de l'Organisation*

1. — Les locaux occupés par le Bureau régional pour l'hémisphère occidental seront inviolables. Ils seront considérés comme des locaux de l'Organisation et placés sous l'autorité et le contrôle exclusifs des représentants de cette Organisation, qui auront seuls le droit d'en autoriser ou d'en interdire l'entrée, et pourront en expulser toute personne.

Sur requête des représentants de l'Organisation, les autorités cubaines compétentes leur prêteront les services des forces de police qui pourraient être éventuellement nécessaires à cet effet.

L'Organisation ne permettra pas que les locaux susdits servent de refuge à une personne contre laquelle un mandat de justice aura été lancé par les autorités cubaines.

2. — Les autorités cubaines compétentes assureront toute protection de police nécessaire à l'extérieur des locaux susvisés.

3. — Les dispositions des sections 1 et 2 du présent titre s'appliqueront également à tout autre local qui pourra être affecté à la tenue d'une conférence ou réunion internationale, régionale ou technique convoquée à Cuba par l'Organisation, et ce pendant la durée de l'affectation dudit local à la tenue de la conférence ou réunion.

C. — *Liberté d'accès*

1. — La liberté d'accès aux locaux de l'Office régional et autres lieux où pourront se tenir des conférences ou réunions convoquées par l'Organisation, sera garantie sans restriction. Le Gouvernement cubain autorisera l'entrée à Cuba, sans frais de visa ni délai, des personnes suivantes :

a) Les représentants des États membres de l'Organisation aux conférences ou réunions convoquées à Cuba par l'Organisation ;

b) Les membres du Conseil exécutif de l'Organisation et leurs suppléants ;

c) Les fonctionnaires de l'Organisation ;

d) Toute personne invitée à participer à une conférence ou réunion convoquée à Cuba par l'Organisation ou invitée par le Directeur général de l'Organisation, ou son représentant à La Havane, à se rendre au siège de l'Office régional pour affaires officielles ;

e) Pendant la durée d'une conférence ou réunion convoquée par l'Organisation, les représentants de la presse, de la radio ou du cinéma, ou de toute autre agence d'information, agréée par l'Organisation, et dont les

noms auront été communiqués par elle huit jours à l'avance au Gouvernement cubain.

2. — Sans préjudice des immunités spéciales dont elles auront reçu le bénéfice, et notamment des immunités prévues aux titres D et F, les personnes visées à la section 1 du présent titre ne pourront, pendant toute la durée de leurs fonctions ou mission, y compris le temps du voyage sur le territoire de Cuba, être l'objet de mesures d'arrestation, de saisie de leurs bagages personnels ou d'une procédure d'expulsion, que dans le cas où elles abuseraient des privilèges de séjour qui leur sont reconnus en poursuivant sur le territoire de Cuba une activité sans rapport avec leurs fonctions et tombant sous le coup de la législation cubaine.

D. — *Statut diplomatique*

1. — Les représentants des Etats Membres de l'Organisation aux conférences ou réunions convoquées par l'Organisation, les membres du Conseil exécutif et les délégués permanents auprès de l'Organisation jouiront, dans l'exercice de leurs fonctions, y compris le temps de voyage sur le territoire de Cuba, des facilités, privilèges et immunités qui sont reconnus aux membres des représentations diplomatiques accrédités auprès du Gouvernement cubain.

Bénéficieront également des facilités, privilèges et immunités prévus au paragraphe précédent les suppléants, conseillers, conseillers techniques et experts, des représentants des Etats Membres, de même que les suppléants des Membres du Conseil exécutif.

2. — Le Directeur du Bureau régional et son adjoint, de même que leurs conjoints et leurs enfants mineurs, jouiront sur le territoire de Cuba des privilèges, immunités, exemptions et facilités accordés par le Gouvernement cubain aux envoyés diplomatiques accrédités auprès de lui.

E. — *Franchise postale*

La correspondance officielle du Bureau régional bénéficiera de la franchise postale, conformément aux arrangements administratifs à arrêter d'un commun accord entre les autorités cubaines compétentes et le Directeur général de l'Organisation.

F. — *Application provisoire de certaines dispositions de la Convention sur les privilèges et immunités des institutions spécialisées*

En attendant l'entrée en vigueur de la Convention sur les privilèges et immunités des institutions spécialisées entre le Gouvernement cubain et l'Organisation, les dispositions des sections 3, 4, 6, 7, 8, 9, 10, 11 et 12 de ladite Convention seront appliquées à l'Organisation. Les dispositions des sections 19, 20, 22 et 23 seront de même appliquées aux fonctionnaires de l'Office régional.

Par ailleurs, le Gouvernement cubain reconnaîtra et acceptera comme titre valable de voyage les laissez-passer des Nations Unies délivrés aux fonctionnaires de l'Organisation.

G. — *Règlement des différends*

Tout désaccord survenu entre l'Organisation et le Gouvernement cubain sur l'interprétation ou l'application des présentes dispositions, ou de toutes

dispositions additionnelles qui seraient ultérieurement convenues, sera, s'il n'est pas réglé par voie de négociation ou par tout autre mode de règlement agréé par les parties, soumis, aux fins de décision définitive, à un tribunal composé de trois arbitres, dont l'un sera désigné par le Directeur général de l'Organisation, le second par le Ministre des affaires étrangères du Gouvernement cubain, et le troisième choisi par le Président de la Cour internationale de Justice.

Si les dispositions qui précèdent rencontrent l'agrément de l'Organisation des Nations Unies pour l'éducation, la science et la culture, je proposerai que la présente lettre et la réponse que vous voudrez bien y faire soient considérées comme constituant l'accord prévu par la résolution précitée du Conseil exécutif de l'Organisation, et que cet accord entre en vigueur à la date de la réception de votre réponse, l'accord cessant d'avoir effet au cas où le Bureau régional de l'hémisphère occidental viendrait à être supprimé ou serait transféré hors du territoire de la République de Cuba.

Je vous prie d'agréer, Monsieur le Directeur général, les assurances renouvelées de ma très haute considération.

(Signé) Carlos HEVIA
Ministre des affaires étrangères
de Cuba.

9 Septembre 1949

XR/NC/120201

Excellence,

J'ai l'honneur d'accuser réception de votre lettre en date du 30 août 1949 concernant les facilités, privilèges et immunités que le Gouvernement cubain accordera à l'Organisation des Nations Unies pour l'éducation, la science et la culture, en vue de l'établissement à La Havane d'un Bureau régional pour l'hémisphère occidental.

En réponse, je tiens à vous faire connaître que j'accepte au nom de l'Organisation des Nations Unies pour l'éducation, la science et la culture les dispositions contenues dans votre lettre précitée.

Conformément à la proposition que vous formulez, votre lettre et la présente réponse seront considérées comme constituant l'accord prévu par le Conseil exécutif de l'Unesco en cette matière.

En vous transmettant cette réponse, je tiens, Excellence, à vous exprimer mes vifs remerciements pour l'esprit d'étroite coopération à l'œuvre de l'Organisation manifesté par votre Gouvernement et pour l'appui qu'il a décidé d'accorder au Bureau régional pour l'hémisphère occidental.

Je vous prie d'agréer, Excellence, les assurances de ma très haute considération.

Jaimes TORRES BODET
Directeur général

Son Excellence Monsieur le Ministre
des affaires étrangères de la République,
La Havane (Cuba).

23. AGREEMENT ¹ BETWEEN UNESCO AND THE MEXICAN GOVERNMENT REGARDING THE ESTABLISHMENT OF A REGIONAL CENTRE FOR THE TRAINING OF PERSONNEL AND FOR THE PREPARATION OF FUNDAMENTAL EDUCATION MATERIAL IN LATIN AMERICA. SIGNED ON 11 SEPTEMBER 1950 ²

I

Establishment of the Centre

Article 1. There shall be established in the territory of the United States of Mexico, a Centre for the Training of Personnel and for the Preparation of Fundamental Education Material, hereinafter called "the Centre".

Article 2. The Centre shall be an autonomous service of UNESCO with complete financial independence, controlled by a Director who shall have the necessary authority to carry out the programme of the Centre and to conclude contracts with third parties.

Article 3. Under its programme, the Centre may seek the co-operation of any Specialized Agency or international organization.

II

Facilities granted by the Mexican Government

Article 4. The Mexican Government undertakes to:

(a) Place at the disposal of the Centre such grounds and premises as may be determined by agreement between the Mexican Government and UNESCO, the Government retaining the ownership of the same; the Mexican Government further undertakes to make any changes, repairs or renovations (including the installation or modernization of buildings and electric, telephone or sanitary facilities) that may be necessary to adapt the building to the requirements of the Centre, and to keep it in good repair;

(b) To provide for the upkeep, within a radius of twenty kilometres from the Centre, of at least two primary rural schools working regularly, and to allow these schools to be used for the practical training of the students from the Centre and for experimenting with the model educational material produced in the Centre;

(c) To provide the necessary furniture for the buildings attached to the Centre, with the exception of technical equipment, which shall be supplied by UNESCO;

(d) To grant free railway transport in its territory for the students and teachers of the Centre when they are travelling on official business;

¹ Text of Agreement provided by the United Nations Educational, Scientific and Cultural Organization.

² Came into force upon its signature (art. 9).

(e) To supply and maintain the necessary vehicles (with drivers) for the local transport of the teachers and students of the Centre, more particularly for work within the Centre and its vicinity.

Article 5. The Mexican Government shall grant the Fundamental Education Centre for Latin America and such of its officials as are not of Mexican nationality the following privileges:

A. *With regard to the Centre itself*

Pending the entry into force of the Convention on the Privileges and Immunities of the Specialized Agencies between the Mexican Government and UNESCO, the provisions of sections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the said Convention shall be applicable to the Centre.

The Centre's official correspondence shall be exempt from postal charges, in accordance with the legal regulations of the country, international conventions and administrative arrangements to be fixed by common agreement between the competent Mexican authorities and the Director of the Centre.

B. *With regard to the staff of the Centre*

The Director of the Centre and his assistants, together with their wives and minor children, shall enjoy, throughout the territory of Mexico, the privileges, exemptions and facilities granted by the Mexican Government to accredited diplomatic representatives in the country.

Moreover, the provisions of sections 19, 20, 22 and 23 of the Convention on the Privileges and Immunities of the Specialized Agencies shall likewise be applicable, provisionally, to the officials of the Centre.

Other officials, together with their wives and minor children, shall enjoy the same privileges as comparable officials forming part of diplomatic missions accredited to the Mexican Government.

The Mexican Government shall recognize and accept, as valid travel permits, the United Nations pass issued to officials of the Organization, to whom there will be granted without charge an official visa, in order to enter Mexico.

C. *With regard to free access to the Centre*

The Mexican Government shall grant free entrance visas to the following persons:

- (a) Members of UNESCO attached to the Centre or responsible for establishing contact with it,
- (b) Experts and lecturers, and
- (c) Students appointed by the various States of Latin America to attend lectures or seminars at the Centre.

There shall be granted to the persons mentioned in sections (a), (b) and (c) above official visas, valid for the entire duration of the period, while discharging their duties or while connected with the Centre.

. . .

Article 9. The present agreement is concluded for the life-time of the Centre.

It shall come into force immediately upon its signature.

. . .

24. EXCHANGE OF LETTERS BETWEEN THE REPUBLIC OF INDONESIA AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION. DATED 29 JANUARY AND 15 FEBRUARY 1951¹

I

MINISTRY OF EDUCATION AND CULTURE
OF THE REPUBLIC OF INDONESIA

Djakarta, 29th January, 1951

No. 2161/51/A.

Subject: Facilities to UNESCO Agencies.

To: Prof. Dr. WOLSKY
Djakarta.

Dear Sir,

I am instructed by the Minister of Education and Culture of the Republic of Indonesia to inform you that the Indonesian Government will grant the UNESCO Agencies the same facilities as have been granted to the UNICEF.

Yours faithfully,

(Signed) Dr. Soemitro REKSODIPOETRO
Head, UNESCO Affairs and External Relations

II

15th February, 1951

No. 384/MoE/51.

The Hon'ble Minister,
Ministry of Education and Culture of the Republic of Indonesia,
Djakarta.

Sir,

I have the honour to acknowledge receipt of letter No. 2161/51/A dt. 29th January 1951, written on your behalf by Dr. Soemitro Reksodipoetro, Head of the Section for UNESCO Affairs and the External Relations, reading as follows:

“ I am instructed by the Minister of Education and Culture of the Republic of Indonesia to inform you that the Indonesian Government will grant the UNESCO Agencies the same facilities as have been granted to the UNISEF.”

I am authorized by the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to take note of this communication which, together with my present reply, constitutes a preliminary agreement between the Government of the Republic of Indonesia and UNESCO with regard to the privileges and the immunities of the officers and office bearers of UNESCO until the Government of the Republic

¹ Text of letters provided by the United Nations Educational, Scientific and Cultural Organization.

of Indonesia will be in the position to accede to the Convention on the Privileges and Immunities of the Specialized Agencies.

May I take this opportunity to express my deep gratitude to you for all the facilities and the cordial co-operation which I received from you and your Ministry during my stay in Djakarta.

I have the honour to be,

Sir,

Yours faithfully,

(Dr. Alexander WOLSKY)

*Principal Scientific Officer and Director
South-East Asia Science
Co-operation Office*

25. ACCORD ENTRE LE GOUVERNEMENT ROYAL ÉGYPTIEN ET L'ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE RELATIF A L'ÉTABLISSEMENT EN ÉGYPTE D'UN CENTRE INTERNATIONAL D'ÉDUCATION DE BASE, EN DATE DU 25 AVRIL 1952 ¹

Considérant que la Conférence générale de l'Organisation des Nations Unies pour l'éducation, la science et la culture a, au cours de sa sixième session, décidé de créer un réseau mondial de centres internationaux d'éducation de base, en vue de combattre, par l'éducation, l'ignorance, la pauvreté et la maladie;

Considérant que le Gouvernement égyptien a offert de contribuer à l'établissement dans son territoire d'un Centre international d'éducation de base en accordant à l'Organisation des Nations Unies pour l'éducation, la science et la culture toutes facilités nécessaires à cet égard;

Considérant que le Conseil exécutif de l'Organisation des Nations Unies pour l'éducation, la science et la culture a décidé, à sa vingt-huitième session, d'accepter cette offre; d'établir en Egypte, dès 1952, un Centre international d'éducation de base, et d'inviter l'Arabie Saoudite, l'Egypte, l'Irak, la Jordanie, le Liban et la Syrie à lui accorder leur concours;

Désireux de conclure un accord en vue d'assurer l'exécution des décisions précitées;

Le Gouvernement égyptien

et

l'Organisation des Nations Unies pour l'éducation, la science et la culture
Sont convenus de ce qui suit:

Article 1

Il sera établi, à Sirs-el-Layyan (Menoufia), dès 1952, un Centre international d'éducation de base ci-après désigné sous le nom de " Centre ".

Article 2

Le Centre aura pour fonctions de former du personnel, de préparer du matériel d'éducation de base, et de procéder aux recherches techniques né-

¹ Le texte de cet accord a été fourni par l'Organisation des Nations Unies pour l'éducation, la science et la culture. Entré en vigueur le 25 avril 1952.

cessaires en vue de favoriser le progrès de l'éducation de base en Arabie Saoudite, en Egypte, en Irak, en Jordanie, au Liban et en Syrie.

Article 3

Le Centre constituera un service autonome de l'Organisation des Nations Unies pour l'éducation, la science et la culture jouissant d'une autonomie budgétaire complète.

Il sera placé sous l'autorité d'un Directeur qui aura tous pouvoirs pour l'exécution du programme du Centre et pour passer tous contrats nécessaires avec les tiers.

Article 4

L'Organisation des Nations Unies pour l'éducation, la science et la culture fera appel à la coopération des Nations Unies et des autres institutions spécialisées pour l'assister dans la réalisation des objectifs du Centre et dans l'exécution de son programme.

Article 5

Le Gouvernement égyptien mettra gratuitement à la disposition du Centre les terrains et constructions nécessaires à son fonctionnement.

Le Gouvernement égyptien fournira gratuitement l'ameublement nécessaire au Centre, à l'exception toutefois de l'équipement technique qui sera fourni par l'Organisation des Nations Unies pour l'éducation, la science et la culture.

Les terrains, constructions et meubles mis à la disposition du Centre par le Gouvernement égyptien, demeureront la propriété de ce dernier qui en assurera l'entretien en parfait état et procédera à toutes réparations nécessaires.

Le Gouvernement égyptien pourra toutefois décider de transférer au Centre la responsabilité de l'entretien des terrains, bâtiments et meubles précités moyennant le versement d'une indemnité forfaitaire annuelle dont le montant devra être fixé d'un commun accord entre le Ministère égyptien de l'éducation nationale et le Directeur du Centre.

Le Gouvernement égyptien assurera la fourniture gratuite au Centre de l'eau, de l'électricité et du service téléphonique.

. . .

Article 9

Le Gouvernement égyptien autorisera l'entrée sans frais de visa, et le séjour en Egypte, des personnes suivantes:

(a) Les observateurs de tous les Etats membres de l'Organisation des Nations Unies pour l'éducation, la science et la culture, auprès du Centre;

(b) Les fonctionnaires des Nations Unies, de l'Organisation des Nations Unies pour l'éducation, la science et la culture ou de toutes autres institutions spécialisées, affectés au Centre ou chargés d'établir la liaison avec ce Centre, ainsi que les conjoints et enfants mineurs de ces fonctionnaires;

(c) Les professeurs, chargés de cours et experts, leurs conjoints et enfants mineurs;

(d) Les étudiants désignés pour suivre les cours ou stages du Centre, par l'Arabie Saoudite, l'Egypte, l'Irak, la Jordanie, le Liban et la Syrie.

Article 10

Le Gouvernement égyptien coopérera étroitement avec l'Organisation des Nations Unies pour l'éducation, la science et la culture en vue de faciliter la réalisation des objectifs du Centre et l'exécution de son programme.

. . . .

Article 13

Les facilités prévues au présent accord sont accordées par le Gouvernement égyptien sans préjudice des privilèges et immunités applicables à l'Organisation des Nations Unies pour l'éducation, la science et la culture et au Centre, en tant que service autonome de l'Organisation en vertu de la Convention sur les privilèges et immunités des institutions spécialisées et de son annexe IV, ou de tout autre accord qui viendrait à être conclu entre l'Organisation et le Gouvernement égyptien.

. . . .

Article 15

. . . .

Le présent accord entrera en vigueur immédiatement après son approbation par le Gouvernement égyptien et par le Conseil exécutif de l'Organisation des Nations Unies pour l'éducation, la science et la culture.

. . . .

26. ACCORD ENTRE LE GOUVERNEMENT ROYAL ÉGYPTIEN ET L'ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE, EN DATE DU 25 AVRIL 1952 ¹

Considérant que l'Organisation des Nations Unies pour l'éducation, la science et la culture a établi sur le territoire égyptien un Centre de Coopération scientifique, et se propose d'établir un Centre international d'éducation de base, suivant accord bilatéral signé à Paris en date du 25 avril 1952.

Considérant qu'il convient d'accorder à certains hauts fonctionnaires de ces Centres les privilèges et immunités nécessaires pour faciliter l'accomplissement de leurs fonctions.

Désireux de conclure un accord à cet effet;

Le Gouvernement royal égyptien et l'Organisation des Nations Unies pour l'éducation, la science et la culture, par l'organe de leurs représentants respectifs, dûment autorisés, sont convenus de ce qui suit:

Article 1

Les Directeurs du Centre de coopération scientifique et le Directeur du Centre international d'éducation de base, leurs conjoints et enfants mineurs, jouiront sur le territoire égyptien des privilèges, immunités, exemptions et facilités accordés par le Gouvernement royal égyptien aux envoyés diplomatiques accrédités auprès de lui.

Article 2

1) Les Directeurs adjoints du Centre de coopération scientifique et du Centre international d'éducation de base;

¹ Le texte de cet accord a été fourni par l'Organisation des Nations Unies pour l'éducation, la science et la culture. Entré en vigueur le 15 décembre 1952.

2) Les fonctionnaires du Centre international d'éducation de base de grade professionnel supérieur ou égal à P.V., les fonctionnaires de l'Organisation des Nations Unies, ou de l'une quelconque des institutions spécialisées des Nations Unies de grade professionnel supérieur ou égal à P.V. et appelés à exercer des fonctions permanentes auprès du Centre;

3) Les conjoints et enfants mineurs des personnes énumérées aux paragraphes 1 et 2;

jouiront sur le territoire égyptien des mêmes privilèges, immunités, exemptions, et facilités accordés par le Gouvernement royal égyptien aux membres des missions diplomatiques du même rang accrédités auprès de lui.

Article 3

Le Directeur général de l'Organisation des Nations Unies pour l'éducation, la science et la culture communiquera au Ministère royal des affaires étrangères les noms et qualités des personnes visées aux Articles 1 et 2.

Article 4

Le présent accord entrera en vigueur dès la notification au Directeur général de l'Organisation des Nations Unies pour l'éducation, la science et la culture, de sa ratification par le Gouvernement royal égyptien conformément à sa procédure constitutionnelle.

27. ACCORD ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE ET L'ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE, RELATIF AU SIÈGE DE L'UNESCO ET A SES PRIVILÈGES ET IMMUNITÉS SUR LE TERRITOIRE FRANÇAIS. SIGNÉ A PARIS, LE 2 JUILLET 1954 ¹

Le Gouvernement de la République française et l'Organisation des Nations Unies pour l'éducation, la science et la culture,

Considérant que la Conférence générale de l'Organisation des Nations Unies pour l'éducation, la science et la culture a décidé, par sa résolution 28, adoptée à sa sixième session, de faire construire à Paris le siège permanent de l'Organisation;

Considérant que le Gouvernement de la République française a cédé, à cet effet, par contrat en date du 25 juin 1954, à l'Organisation des Nations Unies pour l'éducation, la science et la culture, l'usage des terrains nécessaires à l'établissement du siège permanent de cette organisation et à l'édification de ses bâtiments;

Désireux de régler par le présent accord les questions relatives à l'établissement à Paris du siège permanent de l'Organisation des Nations Unies pour l'éducation, la science et la culture, et de définir, en conséquence, les privilèges et immunités de l'Organisation en France,

Ont nommé à cet effet comme leurs représentants:

L'Organisation des Nations Unies pour l'éducation, la science et la culture (ci-après désignée sous le nom de « l'Organisation »), Monsieur Luther H. Evans, Directeur général;

¹ Le texte de cet accord a été fourni par l'Organisation des Nations Unies pour l'éducation, la science et la culture. Entré en vigueur le 23 novembre 1955.

Le Gouvernement de la République française, Monsieur Guérin de Beaumont, Secrétaire d'Etat aux affaires étrangères,
Qui sont convenus de ce qui suit :

PERSONNALITÉ JURIDIQUE DE L'ORGANISATION

Article premier. — Le Gouvernement de la République française reconnaît la personnalité civile de l'Organisation et sa capacité :

- a) De contracter ;
- b) D'acquérir et d'aliéner des biens mobiliers et immobiliers ;
- c) D'ester en justice.

SIÈGE PERMANENT DE L'ORGANISATION

Article 2

Le siège permanent de l'Organisation (ci-après désigné par l'expression « le siège ») comprend les terrains définis et délimités à l'annexe A au présent accord, ainsi que tous bâtiments construits ou qui viendraient à être construits sur lesdits terrains.

Article 3

Le Gouvernement de la République française s'engage à prendre toutes les mesures nécessaires pour assurer que l'Organisation ne soit pas privée de la jouissance des terrains et bâtiments constituant le siège.

Article 4

1. — Le Gouvernement de la République française reconnaît à l'Organisation le droit d'utiliser librement, sur le territoire français, les moyens de radiocommunication définis à l'annexe III de la Convention internationale des télécommunications, conclue à Buenos Aires en 1952, pour la diffusion de ses programmes et pour sa participation au fonctionnement du réseau de communications à établir entre l'Organisation des Nations Unies et ses institutions spécialisées.

2. — Des accords spéciaux à intervenir entre l'Organisation et les autorités françaises compétentes et, éventuellement, entre l'Organisation et les institutions internationales intéressées, détermineront les conditions d'exploitation des moyens de radiocommunications visés au paragraphe précédent.

Article 5

1. — Le siège est placé sous l'autorité et le contrôle de l'Organisation.

2. — L'Organisation aura le droit d'établir des règlements intérieurs applicables dans toute l'étendue de son siège et destinés à y établir les conditions nécessaires à son fonctionnement.

3. — Sous réserve des dispositions du paragraphe précédent, les dispositions législatives et réglementaires de la République française sont applicables dans le siège de l'Organisation.

Article 6

1. — Le siège est inviolable. Les agents ou fonctionnaires de la République française ne pourront y pénétrer pour y exercer leurs fonctions officielles qu'avec le consentement ou sur la demande du Directeur général et dans des conditions approuvées par celui-ci.

2. — L'exécution des actes de procédure, y compris la saisie de biens privés, ne pourra avoir lieu dans le siège qu'avec le consentement et dans les conditions approuvées par le Directeur général.

3. — Sans qu'il puisse être porté atteinte aux dispositions du présent accord, l'Organisation ne permettra pas que son siège serve de refuge à une personne qui serait recherchée pour l'exécution d'une décision répressive de justice ou poursuivie pour flagrant délit, ou contre laquelle un mandat de justice aura été décerné ou un arrêté d'expulsion pris par les autorités françaises compétentes.

Article 7

1. — Le Gouvernement de la République française assure la protection du siège et le maintien de l'ordre dans son voisinage immédiat.

2. — Les autorités françaises prêteront le concours des forces de police nécessaires pour assurer, à la requête du Directeur général, et conformément à ses directives, le maintien de l'ordre à l'intérieur du siège.

Article 8

1. — Les autorités françaises compétentes s'efforceront, dans toute la mesure des pouvoirs dont elles disposent, de faire assurer à des conditions équitables, et conformément aux demandes qui leur en seraient faites par le Directeur général de l'Organisation, les services publics nécessaires, tels que: le service postal, téléphonique et télégraphique, de même que l'électricité, l'eau, le gaz, les transports en commun, l'évacuation des eaux, l'enlèvement des ordures, les services de protection contre l'incendie, l'enlèvement de la neige.

2. — Sous réserve des dispositions de l'article 10, l'Organisation bénéficiera, pour la fourniture de tous services publics, assurés par le Gouvernement français ou par des organismes contrôlés par lui, des réductions de tarifs consenties aux administrations publiques françaises.

3. — En cas de force majeure, entraînant une interruption partielle ou totale de ces services, l'Organisation sera assurée, pour ses besoins, de la priorité accordée aux administrations publiques françaises.

ACCÈS AU SIÈGE

Article 9

1. — Les autorités françaises compétentes ne mettront aucun obstacle au transit à destination ou en provenance du siège des personnes appelées à y exercer des fonctions officielles, ou invitées à s'y rendre par l'Organisation.

2. — Le Gouvernement français s'engage à cet effet à autoriser, sans frais de visa ni délai, l'entrée et le séjour en France, pendant la durée de leurs fonctions ou missions auprès de l'Organisation, des personnes suivantes:

a) Les représentants des Etats membres y compris leurs suppléants, conseillers, experts et secrétaires, aux sessions des organes de l'Organisation ou aux conférences et réunions convoquées par elle;

b) Les membres du Conseil exécutif de l'Organisation, leurs suppléants, conseillers et experts;

c) Les délégués permanents des Etats membres auprès de l'Organisation, leurs adjoints, conseillers et experts;

d) Les fonctionnaires et experts de l'Organisation, de même que ceux de l'Organisation des Nations Unies et des institutions spécialisées;

e) Les membres du conseil de direction et les fonctionnaires des organisations non gouvernementales admises par l'Organisation au bénéfice d'arrangements consultatifs et dont les bureaux sont établis au siège;

f) Les familles — conjoints et enfants à charge — des personnes visées aux alinéas précédents;

g) Toutes personnes invitées, pour affaires officielles, par la Conférence générale, le Conseil exécutif ou le Directeur général de l'Organisation;

h) Sous réserve que les intéressés n'aient pas fait préalablement l'objet d'une mesure d'interdiction d'accès du territoire français, les représentants des organisations non gouvernementales admises par l'Organisation au bénéfice d'arrangements consultatifs, les représentants de la presse, de la radio, du cinéma et des agences d'information accrédités auprès de l'Organisation après consultation avec le Gouvernement français.

3. — Sans préjudice des immunités spéciales dont elles auraient reçu le bénéfice, les personnes visées au paragraphe 2 ne pourront, pendant toute la durée de leurs fonctions ou missions, être contraintes par les autorités françaises à quitter le territoire français que dans le cas où elles auraient abusé des privilèges de séjour qui leur sont reconnus, en poursuivant une activité sans rapport avec leurs fonctions ou mission auprès de l'Organisation, et sous réserve des dispositions ci-après:

4. — Aucune mesure tendant à contraindre les personnes visées au paragraphe 2 à quitter le territoire français ne sera prise sans l'approbation du Ministre des affaires étrangères du Gouvernement de la République française. Avant de donner cette approbation, le Ministre des affaires étrangères consultera les autorités désignées ci-après.

5. — Les autorités visées au paragraphe précédent sont:

a) S'il s'agit du représentant d'un Etat membre ou de sa famille, le gouvernement de cet Etat membre;

b) S'il s'agit d'un membre du Conseil exécutif ou de sa famille, le président du Conseil exécutif;

c) Pour toute autre personne, le Directeur général de l'Organisation.

6. — En outre, les personnes qui bénéficient des privilèges et immunités diplomatiques en vertu du présent accord ne pourront être requises de quitter le territoire français que conformément à la procédure d'usage applicable aux diplomates accrédités auprès du Gouvernement de la République française.

7. — Il demeure entendu que les personnes désignées au paragraphe 2 ne sont pas dispensées de l'application raisonnable des règlements de quarantaine ou de santé publique.

FACILITÉS DE COMMUNICATION

Article 10

1. — Sans préjudice des dispositions de l'article 4 et dans toute la mesure compatible avec les stipulations des conventions, règlements et arrangements internationaux auxquels il est partie, le Gouvernement de la République française accordera à l'Organisation pour ses liaisons postales, téléphoniques, télégraphiques, radiotéléphoniques, radiotélégraphiques et radiophototélégraphiques, un traitement au moins aussi favorable que le traitement accordé par lui à tous autres gouvernements, y compris leurs missions diplomatiques, en matière de priorités, tarifs, et taxes, sur le courrier, les câblogram-

mes, télégrammes, radiotélégrammes, phototélégrammes, communications téléphoniques et autres communications, ainsi qu'en matière de tarifs de presse pour les informations à la presse et à la radio.

2. — Le Gouvernement de la République française facilitera, par tous moyens, les communications que le Directeur général de l'Organisation et ses principaux collaborateurs peuvent être amenés à faire par voie de la presse et de la radio.

Article 11

1. — L'inviolabilité de la correspondance officielle de l'Organisation est garantie.

2. — Ses communications officielles ne pourront être censurées. Cette immunité s'étend aux publications, pellicules photographiques ou films, photographies et enregistrements sonores et visuels adressés à l'Organisation ou expédiés par elle, de même qu'au matériel des expositions qu'elle organiserait.

3. — L'Organisation aura le droit d'employer des codes ainsi que d'expédier et de recevoir sa correspondance par des courriers ou valises qui jouiront des mêmes privilèges et immunités que les courriers et valises diplomatiques.

BIENS, FONDS ET AVOIRS

Article 12

L'Organisation, ses biens et avoirs, en quelque endroit qu'ils se trouvent et quel qu'en soit le détenteur, jouissent de l'immunité de juridiction, sauf dans la mesure où l'Organisation y aurait expressément renoncé dans un cas particulier ou si cette renonciation résulte des clauses d'un contrat. Il est entendu, toutefois, que la renonciation ne peut s'étendre à des mesures d'exécution.

Article 13

Au cas où l'Organisation établirait en France des bureaux ou lieux de réunion en dehors de son siège, ces locaux jouiront de l'inviolabilité dans les conditions prévues à l'article 6.

Article 14

1. — Les biens et avoirs de l'Organisation, en quelque endroit qu'ils se trouvent et quel qu'en soit le détenteur, sont exempts de perquisition, confiscation, réquisition et d'expropriation ou de toute autre forme de contrainte exécutive, administrative ou législative.

2. — Les archives de l'Organisation, ou, d'une manière générale, tous les documents lui appartenant ou détenus par elle sont inviolables en quelque endroit qu'ils se trouvent.

Article 15

1. — L'Organisation, ses avoirs et revenus et autres biens sont exonérés de tous impôts directs. L'Organisation acquitte toutefois les taxes pour services rendus.

2. — L'Organisation est exonérée :

a) De tous droits et taxes autres que les taxes pour services rendus perçues par l'Administration des douanes, et de toutes prohibitions et restrictions

d'importation ou d'exportation, à l'égard des objets importés ou exportés par elle pour son usage officiel. Il est bien entendu, toutefois, que les objets ainsi importés en franchise ne pourront être cédés sur le territoire français que suivant les conditions à fixer d'un commun accord entre l'Organisation et les autorités françaises compétentes;

b) De tous droits et taxes autres que les taxes pour services rendus, perçues par l'Administration des douanes, et de toutes prohibitions et restrictions d'importation ou d'exportation à l'égard des publications, films cinématographiques, vues fixes et documents photographiques que l'Organisation importe ou édite dans le cadre de ses activités officielles.

Article 16

L'Organisation acquittera, dans les conditions de droit commun, les taxes indirectes qui entrent dans le prix des marchandises vendues ou des services rendus. Toutefois, celles de ces taxes qui seront afférentes à des achats ou opérations effectués par l'Organisation pour son usage officiel pourront faire l'objet de remboursements suivant un mode forfaitaire, à déterminer d'un commun accord entre l'Organisation et le Gouvernement de la République française.

Article 17

1. — Sans être astreinte à aucun contrôle, réglementation ou moratoire financier, l'Organisation pourra :

a) Recevoir et détenir des fonds et des devises de toutes natures et avoir des comptes dans n'importe quelle monnaie;

b) Transférer librement ses fonds et ses devises à l'intérieur du territoire français, de France dans un autre pays ou inversement.

2. — Les autorités françaises compétentes prêteront leur assistance et appui à l'Organisation en vue de lui faire obtenir, dans ses opérations de change et de transfert, les conditions les plus favorables. Des arrangements spéciaux à conclure entre le Gouvernement français et l'Organisation régleront, en cas de besoin, les modalités d'application du présent article.

3. — Dans l'exercice des droits qui lui sont accordés en vertu du présent article, l'Organisation tiendra compte de toutes représentations qui lui seraient faites par le Gouvernement de la République française dans la mesure où elle estimera pouvoir y donner suite sans porter préjudice à ses propres intérêts.

FACILITÉS, PRIVILÈGES ET IMMUNITÉS DIPLOMATIQUES

Article 18

1. — Les représentants des Etats membres de l'Organisation aux sessions de ses organes ou aux conférences et réunions convoquées par elle, les membres du Conseil exécutif, ainsi que leurs suppléants, les délégués permanents auprès de l'Organisation et leurs adjoints jouiront, pendant leur séjour en France pour l'exercice de leurs fonctions des facilités, privilèges et immunités qui sont reconnus aux diplomates de rang comparable des missions diplomatiques étrangères accréditées auprès du Gouvernement de la République française.

2. — Ces facilités, privilèges et immunités s'étendent aux conjoints et enfants de moins de vingt et un ans, des personnes désignées ci-dessus.

3. — Seront seuls assimilés aux chefs de missions diplomatiques, les chefs de délégation des Etats membres aux conférences générales de l'Organisation, le président du Conseil exécutif et les délégués permanents accrédités auprès de l'Organisation avec rang d'ambassadeur ou de ministre plénipotentiaire.

Article 19

1. — Sans préjudice des dispositions des articles 23 et 24, le Directeur général et le Directeur général adjoint de l'Organisation jouiront, pendant leur résidence en France, du statut accordé aux chefs de missions diplomatiques étrangères accréditées auprès du Gouvernement de la République française.

2. — Sans préjudice des articles 22 et 24, les directeurs de départements, chefs de services et bureaux, ainsi que les fonctionnaires définis à l'annexe B du présent accord, les conjoints et les enfants à charge des personnes désignées aux paragraphes 1 et 2 du présent article jouiront, pendant leur résidence en France, des privilèges, immunités, facilités et mesures de courtoisie accordés aux membres des missions diplomatiques étrangères en France.

3. — Les personnes visées aux paragraphes 1 et 2 du présent article ne pourront, si elles sont de nationalité française, se prévaloir devant les tribunaux français d'une immunité à l'égard de poursuites judiciaires visant des faits étrangers à leurs fonctions.

Article 20

L'Organisation communiquera en temps voulu au Gouvernement de la République française les noms des personnes visées aux articles 18 et 19.

Article 21

Les immunités prévues aux articles 18 et 19 sont accordées à leurs bénéficiaires dans l'intérêt de l'Organisation et non pour leur assurer des avantages personnels. Ces immunités pourront être levées par le gouvernement de l'Etat intéressé en ce qui concerne ses représentants et leurs familles, par le Conseil exécutif en ce qui concerne ses membres et leurs familles, ainsi que le Directeur général et sa famille, et par le Directeur général en ce qui concerne les autres fonctionnaires de l'Organisation visés à l'article 19, et leurs familles.

FONCTIONNAIRES ET EXPERTS

Article 22

Les fonctionnaires régis par les dispositions du Statut du personnel de l'Organisation:

a) Jouiront de l'immunité à l'égard de toute action judiciaire pour les actes accomplis par eux en leur qualité officielle (y compris paroles et écrits);

b) Seront exonérés de tout impôt direct sur les traitements et émoluments qui leur seront versés par l'Organisation;

c) Sous réserve des dispositions de l'article 23, seront exempts de toute obligation relative au service militaire ou de tout autre service obligatoire en France;

d) Ne seront pas soumis, ainsi que leurs conjoints et les membres de leurs familles vivant à leur charge, aux mesures restrictives à l'immigration, ni aux formalités d'enregistrement des étrangers;

e) Jouiront, en ce qui concerne le change, des mêmes facilités que celles qui sont accordées aux membres des missions diplomatiques accréditées auprès du Gouvernement de la République française;

f) Jouiront, ainsi que leurs conjoints et les membres de leur famille vivant à leur charge, des mêmes facilités de rapatriement que celles qui sont accordées aux membres des missions diplomatiques accréditées auprès du Gouvernement de la République française, en période de tension internationale;

g) Jouiront — s'ils résidaient auparavant à l'étranger — du droit d'importer en franchise leur mobilier et leurs effets personnels à l'occasion de leur établissement en France;

h) Pourront importer temporairement leurs véhicules automobiles en franchise sous le couvert d'acquits avec dispense de caution.

Article 23

1. — Les fonctionnaires français de l'Organisation ne sont pas exempts des obligations relatives au service militaire ou à tout autre service obligatoire en France. Toutefois, ceux d'entre eux qui, en raison de leurs fonctions, auront été nommément désignés sur une liste établie par le Directeur général de l'Organisation et approuvée par les autorités françaises compétentes, seront placés, en cas de mobilisation, en position d'affectation spéciale selon la législation française.

2. — Ces autorités accorderont, par ailleurs, à la demande de l'Organisation, et en cas d'appel, au service national d'autres fonctionnaires de nationalité française, les sursis d'appel qui pourraient être nécessaires pour éviter l'interruption d'un service essentiel.

Article 24

Ces privilèges et immunités sont accordés aux fonctionnaires dans l'intérêt de l'Organisation et non pour leur assurer un avantage personnel. Le Directeur général consentira à la levée de l'immunité accordée à un fonctionnaire dans tous les cas où il estimera que cette immunité gênerait l'action de la justice et qu'elle pourrait être levée sans porter préjudice aux intérêts de l'Organisation.

Article 25

1. — Les experts autres que les fonctionnaires visés aux articles 19 et 22, lorsqu'ils exerceront des fonctions auprès de l'Organisation ou qu'ils accompliront des missions pour son compte, jouiront des privilèges et immunités ci-après, dans la mesure où ils seront nécessaires à l'exercice effectif de leurs fonctions, y compris durant les voyages effectués à l'occasion de l'exercice de leurs fonctions ou au cours de leurs missions:

a) Immunités d'arrestation personnelle et de saisie de leurs bagages personnels, sauf en cas de flagrant délit. Les autorités françaises compétentes informeront immédiatement, en pareils cas, de l'arrestation ou de la saisie de bagages, le Directeur général de l'Organisation;

b) Immunité de toute poursuite judiciaire en ce qui concerne les actes accomplis par eux dans l'exercice de leurs fonctions officielles (y compris leurs paroles et écrits); les intéressés continueront à bénéficier de ladite immunité alors même qu'ils n'exerceraient plus de fonctions auprès de l'Organisation ou qu'ils ne seraient plus chargés de mission pour le compte de cette dernière;

c) Les mêmes facilités, en ce qui concerne les réglementations de change, que celles qui sont accordées aux fonctionnaires des gouvernements étrangers en mission officielles temporaire.

2. — Le Directeur général de l'Organisation consentira à la levée de l'immunité accordée à un expert dans tous les cas où il estimera que cette immunité peut être levée sans nuire aux intérêts de l'Organisation.

Article 26

L'Organisation coopérera constamment avec les autorités françaises compétentes en vue de faciliter la bonne administration de la justice, d'assurer l'exécution des règlements de police et d'éviter tout abus auquel pourraient donner lieu les immunités et facilités prévues dans le présent accord.

LAISSEZ-PASSER

Article 27

Les laissez-passer des Nations Unies délivrés aux fonctionnaires de l'Organisation seront reconnus et acceptés par le Gouvernement de la République française comme titres de voyages.

RÈGLEMENT DES DIFFÉRENDIS

Article 28

L'Organisation prendra des dispositions prévoyant des modes de règlement appropriés pour :

a) Les différends résultant de contrats ou autres différends de droit privé dans lesquels l'Organisation serait partie ;

b) Les différends dans lesquels serait impliqué un fonctionnaire de l'Organisation qui, du fait de sa situation officielle, jouit de l'immunité, si cette immunité n'a pas été levée par le Directeur général.

Article 29

1. — Tout différend entre l'Organisation et le Gouvernement de la République française au sujet de l'interprétation ou de l'application du présent accord ou de tout accord additionnel sera, s'il n'est pas réglé par voie de négociations ou par tout autre mode de règlement agréé par les parties, soumis, aux fins de décision définitive, à un tribunal composé de trois arbitres dont l'un sera désigné par le Directeur général de l'Organisation, l'autre par le Ministre des affaires étrangères du Gouvernement de la République française, et le troisième choisi par les deux autres ou, à défaut d'accord entre eux sur ce choix, par le président de la Cour internationale de justice.

2. — Le Directeur général ou le Ministre des affaires étrangères pourront prier la Conférence générale de demander à la Cour internationale de justice un avis consultatif sur toute question juridique qui viendrait à être soulevée au cours de ladite procédure. En attendant l'avis de la Cour, les deux parties se conformeront à une décision provisoire du tribunal arbitral. Par la suite, celui-ci rendra une décision définitive en tenant compte de l'avis de la Cour.

DISPOSITIONS GÉNÉRALES

Article 30

Les dispositions de l'accord provisoire du 10 mars 1947 entre le Gouvernement de la République française et l'Organisation seront abrogées à dater de l'entrée en vigueur du présent accord.

Article 31

1. — Le présent accord a été conclu en conformité des dispositions de la section 39 de la Convention sur les privilèges et immunités des institutions spécialisées, qui autorise la conclusion, entre l'Etat et l'institution spécialisée intéressée, d'accords particuliers tendant à l'aménagement des dispositions de la Convention susdite pour tenir compte, notamment, des besoins spéciaux d'une institution spécialisée au siège de son activité.

2. — L'adhésion du Gouvernement de la République française à la Convention sur les privilèges et immunités des institutions spécialisées ne pourra avoir pour effet de modifier l'application des dispositions du présent accord.

3. — Il est toutefois entendu que dans le cas où interviendrait une révision de la Convention susdite, le Ministre des affaires étrangères du Gouvernement de la République française et le Directeur général de l'Organisation entreront en consultation en vue de déterminer les propositions de modifications qu'il serait nécessaire d'apporter au présent accord.

4. — Toute révision des dispositions du présent accord devra être soumise à l'approbation des autorités compétentes de l'Organisation et du Gouvernement de la République française. Elle ne pourra entrer en vigueur que conformément à la procédure prévue à l'article 32.

Article 32

Le présent accord, de même que tout accord modificatif éventuel, entreront en vigueur à la suite de l'échange des instruments de ratification par le Gouvernement de la République française et de la notification d'approbation par l'Organisation.

Fait en double exemplaire en langue française et en langue anglaise, qui feront également foi, à Paris, le 2 juillet 1954.

ANNEXE A

Le siège permanent de l'Organisation est établi sur le terrain d'une superficie totale de 30 350 mètres carrés, situés à Paris, 7^e arrondissement, entre la place Fontenoy et les avenues de Saxe, de Ségur, de Suffren et de Lowendal; ledit terrain, affecté au Département des affaires étrangères par décret du 22 décembre 1952 et cédé à bail à l'Organisation par contrat en date du 25 juin 1954, est désigné par une teinte rose sur le plan annexé audit contrat.

ANNEXE B

Les fonctionnaires de l'Organisation bénéficiant des dispositions de l'article 19, paragraphe 2, sont, indépendamment des directeurs de départements, chefs de services et bureaux;

a) Les fonctionnaires ayant un grade équivalent ou supérieur au grade P.5;

b) A titre transitoire, les fonctionnaires qui jouissaient, en application des dispositions de l'accord provisoire de siège conclu entre le Gouvernement de la République française et l'Organisation, des privilèges et immunités accordés aux membres des missions diplomatiques en France;

c) Les fonctionnaires dont les grades correspondraient à ceux des fonctionnaires de toute autre institution intergouvernementale auxquels le Gouvernement de la République française octroierait, par un accord de siège, le bénéfice des privilèges et immunités diplomatiques.

28. AGREEMENT BETWEEN THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION AND THE GOVERNMENT OF INDIA. SIGNED ON 30 APRIL AND 16 MAY 1959 ¹

Article I

The Research Centre on the Social Implications of Industrialization in Southern Asia which was established in India in 1956 by UNESCO in collaboration with the Government of India, will continue to operate during 1959 and 1960 on the basis of the agreement concluded between UNESCO and the Government of India on 8 June 1956. During these two years it will continue to be administered by UNESCO as an integral part of its Secretariat as in previous years.

Article VI

As long as the Centre remains an integral part of the UNESCO Secretariat, the Government of India shall apply to the Centre and its officials the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies.

The governmental representatives on the Advisory Committee shall enjoy the privileges and immunities, exemptions and facilities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies as applicable to the Representatives of Members.

Article VII

The Indian Government will undertake to authorize the entry into India free of visa charges and residence there, of the following persons:

(a) Observers at the Centre of all the Members and Associated Members of UNESCO;

(b) Officials of UNESCO, of the other Specialized Agencies or the United Nations who may be assigned to the Centre or be responsible for making contacts with it;

(c) Experts on missions appointed by UNESCO, by the other Specialized Agencies, by the United Nations or by the Governments of the countries mentioned under heading III;

(d) Representatives of the Governments of the countries mentioned under heading III;

(e) The spouses and minor children of the persons mentioned in this Article.

Article VIII

This agreement shall enter into force on the date of its signature by both parties, as shown below.

Dated: 30 April 1959
Signed on behalf of the
United Nations Educational, Scientific,
and Cultural Organization
 VITTORINO VERONESE
Director-General

Signed on behalf of the
Government of the Republic of India
 PREM KIRPAL
Joint Secretary to the Government of
India, Ministry of Education,
New Delhi
Dated: 16th May, 1959

¹ Text of Agreement provided by the United Nations Educational, Scientific and Cultural Organization. Came into force on the date of its signature (see article VIII).

29. ARTICLES OF AGREEMENT OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT. SIGNED AT WASHINGTON, ON 22 DECEMBER 1945^{1 2}

Note: The provisions of sections 1, 2, 4, 5, 6, 7, 8, 9, a), b), c) i), ii), and 10 of Article VII of this Agreement are identical with those of the correspondent sections of Article IX of the Agreement of International Monetary Fund (*infra*). The provisions of sections 3 and 9 d) i), ii) of Article VII of the Agreement in question are identical with those of the correspondent sections of Article VI of the Agreement of the International Finance Corporation (*infra*).

30. ARTICLES OF AGREEMENT OF THE INTERNATIONAL MONETARY FUND. SIGNED AT WASHINGTON, ON 27 DECEMBER 1945^{3 4 5}

Article IX

STATUS, IMMUNITIES AND PRIVILEGES

Section I. *Purpose of Article*

To enable the Fund to fulfill the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Fund in the territories of each member.

¹ United Nations, *Treaty Series*, vol. 2, p. 134.

² States which are parties (up to 1 January 1960): Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Germany (Fed. Rep.), Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Rep. of), Lebanon, Libya, Luxembourg, Mexico, Morocco, Netherlands, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Viet-Nam (Rep. of), Yugoslavia.

³ United Nations, *Treaty Series*, vol. 2, p. 40.

⁴ States which are parties (up to 1 January 1960): Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Germany (Fed. Rep.), Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Rep. of), Lebanon, Libya, Luxembourg, Mexico, Morocco, Netherlands, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Viet-Nam (Rep. of), Yugoslavia.

⁵ Almost all members have before joining the Fund adopted special Enabling Legislation, frequently referred to as Bretton Woods Agreements legislation. Virtually all of these measures contain in one form or another reference to the provisions of Article IX of the Fund Agreement on the status, immunities and privileges of the Fund. (Information supplied by the International Monetary Fund.)

Section 2. *Status of the Fund*

The Fund shall possess full juridical personality, and, in particular, the capacity:

- (i) To contract;
- (ii) To acquire and dispose of immovable and movable property;
- (iii) To institute legal proceedings.

Section 3. *Immunity from judicial process*

The Fund, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.

Section 4. *Immunity from other action*

Property and assets of the Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. *Immunity of archives*

The archives of the Fund shall be inviolable.

Section 6. *Freedom of assets from restrictions*

To the extent necessary to carry out the operations provided for in this Agreement, all property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. *Privilege for communications*

The official communications of the Fund shall be accorded by members the same treatment as the official communications of other members.

Section 8. *Immunities and privileges of officers and employees*

All governors, executive directors, alternates, officers and employees of the Fund

- (i) Shall be immune from legal process with respect to acts performed by them in their official capacity except when the Fund waives this immunity.
- (ii) Not being local nationals, shall be granted the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members.
- (iii) Shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. *Immunities from taxation*

(a) The Fund, its assets, property, income and its operations and transactions authorized by this Agreement shall be immune from all taxation and from all customs duties. The Fund shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to executive directors, alternates, officers or employees of the Fund who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Fund, including any dividend or interest thereon, by whomsoever held

- (i) Which discriminates against such obligation or security solely because of its origin; or
- (ii) If the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund.

Section 10. *Application of Article*

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Fund of the detailed action which it has taken.

. . .

31. CONSTITUTION OF THE WORLD HEALTH ORGANIZATION, OPENED FOR SIGNATURE AT NEW YORK, 28 JULY 1946^{1 2}

. . .

CHAPTER XV

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

Article 66

The Organization shall enjoy in the territory of each Member such legal capacity as may be necessary for the fulfilment of its objective and for the exercise of its functions.

Article 67

(a) The Organization shall enjoy in the territory of each Member such privileges and immunities as may be necessary for the fulfilment of its objective and for the exercise of its functions.

¹ United Nations, *Treaty Series*, vol. 14, p. 186.

² Entered into force on 7 April 1948. States which are parties (up to 1 January 1960): Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France, Germany (Fed. Rep.), Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Rep. of), Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Monaco, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria (Fed. of) (Associate member), Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Sierra Leone (Associate member), Southern Rhodesia (Associate member), Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Viet-Nam (Rep. of), Yemen, Yugoslavia.

(b) Representatives of Members, persons designated to serve on the Board and technical and administrative personnel of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

Article 68

Such legal capacity, privileges and immunities shall be defined in a separate agreement to be prepared by the Organization in consultation with the Secretary-General of the United Nations and concluded between the Members.

32. ACCORD ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L'ORGANISATION MONDIALE DE LA SANTÉ POUR RÉGLER LE STATUT JURIDIQUE DE L'ORGANISATION MONDIALE DE LA SANTÉ ET ARRANGEMENT EN VUE DE L'EXÉCUTION DUDIT ACCORD, APPROUVÉS PAR LA PREMIÈRE ASSEMBLÉE MONDIALE DE LA SANTÉ LE 17 JUILLET 1948 ET PAR LE CONSEIL FÉDÉRAL SUISSE LE 21 AOÛT 1948, ET UN ECHANGE DE NOTES RELATIF A L'ENTRÉE EN VIGUEUR DE L'ACCORD ET DE L'ARRANGEMENT. BERNE, 23 DÉCEMBRE 1948, ET GENÈVE, 12 JANVIER 1949^{1 2}

I

ACCORD

ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L'ORGANISATION
MONDIALE DE LA SANTÉ POUR RÉGLER LE STATUT
JURIDIQUE DE CETTE ORGANISATION EN SUISSE

LE CONSEIL FÉDÉRAL SUISSE,
d'une part,

L'ORGANISATION MONDIALE DE LA SANTÉ,
d'autre part,

Désireux de conclure un accord en vue de régler en Suisse le statut juridique de l'Organisation mondiale de la santé, sont convenus des dispositions suivantes:

Article premier

LIBERTÉ D'ACTION DE L'OMS

Le Conseil fédéral suisse garantit à l'Organisation mondiale de la santé l'indépendance et la liberté d'action qui lui appartiennent en sa qualité d'institution internationale.

¹ Nations Unies, *Recueil des Traités* vol. 26, p. 332.

² L'accord, conformément à l'article 28, et l'arrangement, conformément à l'article 14, sont entrés en vigueur le 21 août 1948. En vertu des dispositions des notes, l'accord et l'arrangement ont l'un et l'autre pris effet rétroactivement à dater du 17 juillet 1948.

Article 2

PERSONNALITÉ DE L'OMS

Le Conseil fédéral suisse reconnaît la personnalité internationale et la capacité juridique en Suisse de l'Organisation mondiale de la santé.

Article 3

IMMUNITÉS DE L'OMS

L'Organisation mondiale de la santé est au bénéfice de l'ensemble des immunités connues, en droit des gens, sous le nom d'immunités diplomatiques.

Article 4

EXTERRITORIALITÉ DES TERRAINS ET LOCAUX

Le Conseil fédéral suisse reconnaît notamment l'exterritorialité des terrains et locaux de l'Organisation mondiale de la santé et de tous locaux occupés par elle à l'occasion de ses assemblées et de toute autre réunion convoquée en Suisse par elle.

Article 5

LIBERTÉ DE RÉUNION

Le Conseil fédéral suisse reconnaît à l'Organisation mondiale de la santé et à ses membres, dans leurs rapports avec elle, une liberté de réunion absolue comportant la liberté de discussion et de décision.

*Article 6*IMMUNITÉ DE JURIDICTION ET IMMUNITÉ À L'ÉGARD
D'AUTRES MESURES

1. L'Organisation mondiale de la santé bénéficie, pour elle-même, ses propriétés et ses biens, quel que soit le lieu où ils se trouvent ou la personne qui les détient, de l'immunité à l'égard de toute forme d'action judiciaire, sauf dans la mesure où cette immunité a été formellement levée par le Directeur général de l'Organisation mondiale de la santé ou son représentant régulièrement autorisé.

2. Les propriétés et biens de l'Organisation mondiale de la santé, quel que soit le lieu où ils se trouvent ou la personne qui les détient, sont au bénéfice de l'immunité à l'égard de toute mesure de perquisition, réquisition, confiscation, expropriation, et de toute autre forme de saisie ou d'ingérence de toute autorité publique de quelque nature que ce soit.

Article 7

INVIOLABILITÉ DES TERRAINS ET LOCAUX

Les terrains et locaux de l'Organisation mondiale de la santé sont inviolables. Nul agent de l'autorité publique suisse ne peut y pénétrer sans le consentement exprès de l'Organisation mondiale de la santé.

Article 8

INVIOLABILITÉ DES ARCHIVES

Les archives de l'Organisation mondiale de la santé et, en général, tous les documents qui lui appartiennent ou se trouvent en sa possession, sont inviolables.

Article 9

PUBLICATIONS

L'exportation et l'importation des publications de l'Organisation mondiale de la santé ne seront soumises à aucune mesure restrictive.

Article 10

RÉGIME FISCAL DE L'OMS

L'Organisation mondiale de la santé est exonérée des impôts directs et indirects, fédéraux, cantonaux et communaux, sur les immeubles dont elle est propriétaire et qui sont occupés par ses services, de même que sur ses biens mobiliers, étant entendu qu'elle ne sollicite pas l'exemption de taxes auxquelles correspond une prestation de l'autorité publique.

Article 11

LIBRE DISPOSITION DES FONDS

1. — L'Organisation mondiale de la santé peut recevoir et détenir tous fonds quelconques, toutes devises, numéraires et autres valeurs mobilières, et en disposer librement tant à l'intérieur de la Suisse que dans ses relations avec l'étranger.

2. — Le présent article est applicable aux Etats membres dans leurs relations avec l'Organisation mondiale de la santé.

Article 12

COMMUNICATIONS OFFICIELLES

L'Organisation mondiale de la santé bénéficie, dans ses communications officielles, d'un traitement au moins aussi favorable que celui assuré aux missions diplomatiques en Suisse:

- a) Pour toutes priorités de communications et de moyens de transport;
- b) Pour les tarifs postaux, télégraphiques, radiotélégraphiques, téléphoniques, radiotéléphoniques, téléphotographiques, etc.

Article 13

EXEMPTION DE CENSURE

Aucune censure ne peut être exercée à l'égard des communications officielles, dûment authentifiées de l'Organisation mondiale de la santé, quelle que soit la voie de communication employée.

Article 14

LIBERTÉ D'ACCÈS ET DE SÉJOUR

1. — Les autorités suisses prendront toutes mesures utiles pour faciliter l'entrée sur le territoire suisse, la sortie de ce territoire et le séjour à toutes les personnes appelées, en qualité officielle, auprès de l'Organisation mondiale de la santé, soit:

- a) Les représentants des Etats membres quels que soient les rapports existant entre la Suisse et ces Etats;
- b) Les membres du Conseil exécutif de l'Organisation mondiale de la santé, quelle que soit leur nationalité;
- c) Les agents et les fonctionnaires de l'Organisation mondiale de la santé;

d) Les personnes, quelle que soit leur nationalité, appelées par l'Organisation mondiale de la santé.

2. — Toutes mesures concernant la police des étrangers et visant à restreindre l'entrée en Suisse des étrangers ou à contrôler les conditions de leur séjour seront sans application à l'égard des personnes visées au présent article.

Article 15

IMMUNITÉ DES REPRÉSENTANTS DES MEMBRES ET DU CONSEIL
EXÉCUTIF DE L'OMS

Les représentants des membres de l'Organisation mondiale de la santé et les membres de son Conseil exécutif appelés en Suisse par leurs fonctions y jouissent des privilèges et immunités suivants:

- a) Inviolabilité de la personne, du lieu de résidence et de tous objets quelconques appartenant à l'intéressé;
- b) Immunité de juridiction;
- c) Immunité fiscale correspondant à celle qui est accordée aux agents diplomatiques conformément à l'usage international admis en Suisse;
- d) Facilités douanières correspondant à celles qui sont accordées aux agents diplomatiques conformément à l'usage international admis en Suisse;
- e) Droit d'user de chiffres dans leurs communications officielles et de recevoir ou d'envoyer des documents ou de la correspondance par l'intermédiaire de courriers ou par valises diplomatiques dûment scellées;
- f) Exemption des restrictions à la liberté de change dans des conditions identiques à celles accordées aux agents diplomatiques des gouvernements étrangers en mission temporaire.

Article 16

IMMUNITÉS DIPLOMATIQUES DU DIRECTEUR GÉNÉRAL
ET DE CERTAINS FONCTIONNAIRES

Le Directeur général de l'Organisation mondiale de la santé et les fonctionnaires des catégories désignées par lui et agréées par le Conseil fédéral suisse, jouissent des privilèges, immunités, exemptions et facilités reconnus aux agents diplomatiques conformément au droit des gens et aux usages internationaux.

Article 17

IMMUNITÉS ET FACILITÉS ACCORDÉES À TOUS LES FONCTIONNAIRES

Tous les fonctionnaires de l'Organisation mondiale de la santé, quelle que soit leur nationalité, sont au bénéfice des immunités et facilités suivantes:

- a) Exemption de toute juridiction pour les actes accomplis dans l'exercice de leurs fonctions;
- b) Exonération de tous impôts fédéraux, cantonaux et communaux sur les traitements, émoluments et indemnités qui leur sont versés par l'Organisation mondiale de la santé.

Article 18

EXEMPTIONS ET FACILITÉS ACCORDÉES AUX FONCTIONNAIRES
NON SUISSES

Les fonctionnaires de l'Organisation mondiale de la santé qui n'ont pas la nationalité suisse bénéficient des exemptions et facilités énumérées dans l'arrangement d'exécution du présent accord.

Article 19

CAISSE DES PENSIONS, ETC.

1.— Toute caisse des pensions ou institution de prévoyance exerçant officiellement son activité en faveur des fonctionnaires de l'Organisation mondiale de la santé aura la capacité juridique en Suisse si elle en exprime le désir et sera, dans la mesure de son activité en faveur des dits fonctionnaires, au bénéfice des mêmes exemptions, immunités, et privilèges que l'Organisation elle-même.

2. — Les fonds et fondations, doués ou non d'une personnalité juridique propre, gérés sous les auspices de l'Organisation mondiale de la santé et affectés à ses buts officiels, sont mis au bénéfice des mêmes exemptions, immunités et privilèges que l'Organisation elle-même, en ce qui concerne leurs biens mobiliers.

Article 20

ARRANGEMENTS ANTÉRIEURS

Dans la mesure où ils ne sont pas modifiés par le présent accord, les *modus vivendi* de 1921 et de 1926 et les arrangements complémentaires conclus entre le Département politique fédéral et la Société des Nations, sont applicables *mutatis mutandis* à l'Organisation mondiale de la santé.

Article 21

OBJETS DES IMMUNITÉS

1. — Les immunités prévues par le présent accord ne sont pas établies en vue d'accorder aux fonctionnaires de l'Organisation mondiale de la santé des avantages et des commodités personnels. Elles sont instituées uniquement afin d'assurer, en toute circonstance, le libre fonctionnement de l'Organisation Mondiale de la santé et la complète indépendance de ses agents.

LEVÉE DES IMMUNITÉS

2. — Le Directeur général de l'Organisation mondiale de la santé a le droit et le devoir de lever l'immunité d'un fonctionnaire lorsqu'il estime que cette immunité empêche le jeu normal de la justice et qu'il est possible d'y renoncer sans porter atteinte aux intérêts de l'Organisation mondiale de la santé.

Article 22

PRÉVENTION DES ABUS

L'Organisation mondiale de la santé coopérera en tout temps avec les autorités suisses en vue de faciliter une bonne administration de la justice, d'assurer l'observation des règlements de police et d'empêcher tout abus des privilèges, immunités et facilités prévus par le présent accord.

Article 23

DIFFÉRENDS D'ORDRE PRIVÉ

L'Organisation mondiale de la santé prendra des dispositions appropriées en vue du règlement satisfaisant:

a) De différends résultant de contrats auxquels l'Organisation mondiale de la santé serait partie et d'autres différends portant sur un point de droit privé;

b) De différends dans lesquels serait impliqué un fonctionnaire de l'Organisation mondiale de la santé qui jouit, du fait de sa situation officielle, de l'immunité, si cette immunité n'a pas été levée par le Directeur général.

Article 24

NON-RESPONSABILITÉ DE LA SUISSE

La Suisse n'encourt, du fait de l'activité de l'Organisation mondiale de la santé sur son territoire, aucune responsabilité internationale quelconque pour les actes et omissions de l'Organisation ou pour ceux de ses agents agissant ou s'abstenant dans le cadre de leurs fonctions.

Article 25

SÉCURITÉ DE LA SUISSE

1. — Rien dans le présent accord n'affecte le droit du Conseil fédéral suisse de prendre les précautions utiles dans l'intérêt de la sécurité de la Suisse.

2. — Au cas où il estimerait nécessaire d'appliquer le premier paragraphe du présent article, le Conseil fédéral suisse se mettra, aussi rapidement que les circonstances le permettront, en rapport avec l'Organisation mondiale de la santé en vue d'arrêter, d'un commun accord, les mesures nécessaires pour protéger les intérêts de l'Organisation.

3. — L'Organisation mondiale de la santé collaborera avec les autorités suisses en vue d'éviter tout préjudice à la sécurité de la Suisse du fait de son activité.

Article 26

EXÉCUTION DE L'ACCORD PAR LA SUISSE

Le Département politique fédéral est chargé de l'exécution par la Confédération suisse du présent accord et de son arrangement d'exécution.

Article 27

JURIDICTION

1. — Toute divergence de vues concernant l'application ou l'interprétation du présent accord ou de son arrangement d'exécution qui n'aurait pas pu être réglée par des pourparlers directs entre les parties pourra être soumise, par l'une ou l'autre partie, à l'appréciation d'un tribunal composé de trois membres qui sera constitué dès l'entrée en vigueur du présent accord.

2. — Le Conseil fédéral suisse et l'Organisation mondiale de la santé désigneront chacun un membre du tribunal.

3. — Les juges ainsi désignés choisiront leur président.

4. — En cas de désaccord entre les juges au sujet de la personne du président, ce dernier sera désigné par le Président de la Cour internationale de justice, à la requête des membres du tribunal.

5. — Le tribunal sera saisi par l'une ou l'autre partie par voie de requête.

6. — Le tribunal fixera sa propre procédure.

Article 28

ENTRÉE EN VIGUEUR

Le présent accord entrera en vigueur dès qu'il aura été approuvé par le Conseil fédéral suisse et l'autorité compétente de l'Organisation mondiale de la santé.

Article 29

MODIFICATION DE L'ACCORD

1. — Le présent accord peut être révisé à la demande de l'une ou l'autre partie.

2. — Dans cette éventualité, les deux parties se concerteront sur les modifications qu'il pourrait y avoir lieu d'apporter aux dispositions du présent accord.

3. — Dans le cas où les négociations n'aboutiraient pas à une entente dans le délai d'un an, l'accord pourra être dénoncé par l'une ou l'autre partie moyennant un préavis de deux ans.

Article 30

ARRANGEMENT D'EXÉCUTION

Les dispositions du présent accord sont complétées par l'arrangement d'exécution.

II

ARRANGEMENT D'EXÉCUTION

DE L'ACCORD CONCLU ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L'ORGANISATION MONDIALE DE LA SANTÉ POUR RÉGLER LE STATUT JURIDIQUE DE CETTE ORGANISATION EN SUISSE

Article premier

FRANCHISE DOUANIÈRE

L'Organisation mondiale de la santé bénéficie de l'exemption complète des droits de douane, de statistique, etc., pour toutes les marchandises destinées à l'usage officiel de l'Organisation mondiale de la santé ou provenant de cette dernière, étant entendu que les objets importés en franchise ne pourront être vendus en Suisse que dans des conditions à déterminer par accord entre l'Organisation mondiale de la santé et le Conseil fédéral suisse.

Article 2

IMPORTATION ET EXPORTATION DE MARCHANDISES

Le Conseil fédéral suisse reconnaît, en ce qui le concerne, que les prohibitions et restrictions aux importations et exportations de marchandises ne sont pas applicables aux objets destinés à l'usage officiel de l'Organisation mondiale de la santé et nécessaires à son bon fonctionnement, sous réserve des dispositions des conventions internationales générales et des mesures d'ordre sanitaire, étant entendu qu'il appartient à l'Organisation mondiale de la santé d'obtenir de tout autre Etat intéressé le consentement éventuellement nécessaire.

Article 3

PRÉVOYANCE SOCIALE

L'Organisation mondiale de la santé est exempte de toutes contributions obligatoires à des institutions générales de prévoyance sociale, telles que les caisses d'assurance-chômage, l'assurance-accidents, etc., étant entendu que l'Organisation mondiale de la santé assurera, dans la mesure du possible, et dans des conditions à convenir, l'affiliation aux systèmes suisses d'assurance

de ceux de ses agents qui ne sont pas assurés d'une protection sociale équivalente par l'Organisation elle-même.

Article 4

LIBRE DISPOSITION DES FONDS

1. — L'Organisation mondiale de la santé peut être titulaire de comptes en toutes monnaies.
2. — L'Organisation mondiale de la santé peut transférer librement ses fonds, devises, numéraires et autres valeurs mobilières, de Suisse à l'étranger.
3. — L'Organisation mondiale de la santé peut convertir en une autre monnaie toutes devises et tous numéraires détenus par elle.
4. — Le Conseil fédéral suisse tiendra compte des dispositions des paragraphes précédents du présent article lors de ses négociations avec des gouvernements étrangers au sujet des transferts de fonds et de marchandises.

Article 5

CHIFFRE, COURRIER, VALISE

1. — L'Organisation mondiale de la santé est autorisée à faire usage de chiffres dans ses communications.
2. — L'Organisation mondiale de la santé jouit du droit de se servir de courriers et de faire usage de valises diplomatiques dans les mêmes conditions que les gouvernements étrangers.

Article 6

COMMUNICATIONS DE PRESSE

L'Organisation mondiale de la santé bénéficie, pour ses communications destinées à la presse et à la radiodiffusion, soit directement, soit par intermédiaire, des tarifs préférentiels applicables aux communications de presse, en conformité avec la Convention internationale des télécommunications.

Article 7

LIBERTÉ D'ACCÈS ET DE SÉJOUR

1. — En vue de faciliter l'entrée en Suisse des personnes énumérées à l'article 14 de l'accord, les légations et consulats de Suisse recevront, pour tous les cas où un visa d'entrée est nécessaire, l'instruction générale et préalable d'accorder un tel visa sur production du passeport ou d'un autre titre équivalent d'identité et de voyage, ainsi que d'une pièce suffisant à établir la qualité du requérant à l'égard de l'Organisation mondiale de la Santé.
2. — Les légations et consulats de Suisse auront pour instruction de délivrer le visa sans retard ou délais, et sans exiger la présence personnelle du requérant, ni l'acquittement des taxes.
3. — Les dispositions de l'article 14 de l'accord et du présent article s'appliqueront, dans des conditions analogues, à la femme et aux enfants de l'intéressé, s'ils vivent avec lui et sont sans profession.

Article 8

CARTE D'IDENTITÉ

Le Département politique fédéral remet à l'Organisation mondiale de la santé, à l'intention de chaque fonctionnaire, une carte d'identité munie de

la photographie du titulaire. Cette carte, authentifiée par le Département politique fédéral et l'Organisation mondiale de la santé, servira à la légitimation du fonctionnaire à l'égard de toute autorité fédérale, cantonale ou communale.

Article 9

FACILITÉS ACCORDÉES AUX FONCTIONNAIRES NON SUISSES

Les fonctionnaires de l'Organisation mondiale de la santé qui n'ont pas la nationalité suisse bénéficient des exemptions et facilités suivantes:

a) Exemption de tous droits de douane, de statistique, de droits à l'importation, pour tous les objets usagés ou neufs, que le fonctionnaire apporte avec lui lors de sa première installation en Suisse ou lors de son retour en Suisse après une absence minimum de trois ans;

b) Exemption des restrictions à la liberté de change dans des conditions identiques à celles accordées aux agents diplomatiques accrédités auprès du Conseil fédéral;

c) En cas de crise internationale, facilités de rapatriement pour les fonctionnaires et les membres de leur famille, identiques à celles accordées aux membres de missions diplomatiques accréditées auprès du Conseil fédéral;

d) Exonération des impôts fédéraux, cantonaux et communaux conformément aux usages établis pour le personnel non suisse des institutions internationales à Genève;

e) Exemption, sur demande du Directeur général de l'Organisation mondiale de la santé et d'entente avec le Département politique fédéral, des droits de douane sur les voitures automobiles importées, étant entendu que cette facilité peut être exercée au maximum une fois tous les trois ans et que les droits de douane seront dus au cas où la voiture serait vendue ou cédée à une personne non bénéficiaire de l'exemption avant l'expiration d'un délai établi d'un commun accord entre le Conseil fédéral suisse et l'Organisation mondiale de la santé;

f) La visite en douane des bagages sera, comme à l'égard des membres du corps diplomatique, réduite au strict minimum.

Article 10

SERVICE MILITAIRE

1. — Le Directeur général de l'Organisation mondiale de la santé communiquera au Conseil fédéral suisse la liste des fonctionnaires de nationalité suisse astreints à des obligations de caractère militaire.

2. — Le Directeur général de l'Organisation mondiale de la santé et le Conseil fédéral suisse établiront, d'un commun accord, une liste restreinte de fonctionnaires de nationalité suisse qui, en raison de leurs fonctions, bénéficieront de dispenses.

3. — En cas de mobilisation d'autres fonctionnaires suisses, l'Organisation mondiale de la santé aura la possibilité de solliciter, par l'entremise du Département politique fédéral, un sursis d'appel ou toutes autres mesures appropriées.

Article 11

PASSEPORT DIPLOMATIQUE

Les fonctionnaires de nationalité suisse appartenant aux catégories déterminées d'un commun accord par le Directeur général de l'Organisation mondiale de la santé et par le Conseil fédéral suisse et qui se rendent en mission ou résident à l'étranger du fait de leurs fonctions, auront droit à un passeport diplomatique émis par le Département politique fédéral.

Article 12

CAISSE DES PENSIONS, ETC.

1. — Toutes prestations en capital dues par la caisse des pensions ou toute autre institution de prévoyance sociale à des agents, fonctionnaires ou employés de l'Organisation mondiale de la santé, en quelque circonstance que ce soit — échéance des services, interruption des services, suspension — seront, au moment de leur versement, exemptes en Suisse de tous impôts quelconques sur le capital et le revenu.

2. — Il en sera de même à l'égard de toutes les prestations qui pourraient être versées à des agents, fonctionnaires ou employés de l'Organisation mondiale de la santé à titre d'indemnité à la suite de maladie, accidents, etc.

Article 13

TIMBRES-POSTE

1. — Les autorités fédérales suisses émettront des timbres spéciaux pour les services de l'Organisation mondiale de la santé dans les limites autorisées par les conventions de l'Union postale universelle.

2. — Les conditions d'émission seront fixées d'un commun accord sur la base des arrangements intervenus à cet égard avec d'autres institutions internationales établies à Genève.

Article 14

ENTRÉE EN VIGUEUR

Le présent arrangement entrera en vigueur dès qu'il aura été approuvé par le Conseil fédéral suisse et le Conseil exécutif de l'Organisation mondiale de la santé.

Article 15

MODIFICATION DE L'ARRANGEMENT

1. — Le présent arrangement peut être révisé à la demande de l'une ou l'autre partie.

2. — Dans cette éventualité, les deux parties se concerteront sur les modifications qu'il pourrait y avoir lieu d'apporter aux dispositions du présent arrangement.

3. — Au cas où les négociations n'aboutiraient pas à une entente dans le délai d'un an, l'arrangement pourra être dénoncé par l'une ou l'autre partie moyennant un préavis de deux ans.

III

ÉCHANGE DE NOTES

RELATIVES A L'ENTRÉE EN VIGUEUR D'UN ACCORD
CONCERNANT LE STATUT JURIDIQUE DE L'ORGANISATION
MONDIALE DE LA SANTÉ EN SUISSE ET L'ARRANGEMENT
D'EXÉCUTION DUDIT ACCORD

A

DÉPARTEMENT POLITIQUE FÉDÉRAL

Berne, le 23 décembre 1948

Monsieur le Directeur général,

Nous avons l'honneur d'accuser réception de la lettre du 14 décembre 1948 par laquelle vous nous envoyez une copie du texte français ainsi qu'une traduction anglaise de l'accord et de l'arrangement d'exécution conclus entre le Conseil fédéral et votre Organisation pour régler le statut juridique de cette dernière sur notre territoire.

Selon votre désir, nous avons confronté la copie du texte français à l'original et l'avons trouvée tout à fait conforme à celui-ci. Nous avons pris également connaissance du texte anglais que vous nous avez soumis: il n'appelle pas non plus d'objections de notre part. Pour la bonne règle, nous précisons toutefois qu'en cas de contestation, le texte français sera seul à faire foi.

En ce qui concerne la date de la conclusion de cet accord et de son arrangement d'exécution, nous vous suggérons de vouloir bien la fixer au 21 août 1948, c'est-à-dire au jour de l'approbation définitive par le Conseil fédéral de ces deux textes. Il reste entendu que la date de leur entrée en vigueur est fixée avec effet rétroactif au 17 juillet 1948.

Veuillez agréer, Monsieur le Directeur général, l'assurance de notre haute considération.

Département politique fédéral
Organisations internationales
(Signé) Ph. ZUTTER

Monsieur Brock CHISHOLM,
Directeur général de l'Organisation mondiale
de la santé,
Palais des Nations,
Genève.

B

BUREAU DU DIRECTEUR GÉNÉRAL

12 janvier 1949

Monsieur le Conseiller fédéral,

J'ai l'honneur d'accuser réception de votre lettre du 23 décembre 1948 (réf.o.B.63.45.42.1.0.—MX.) par laquelle vous m'informez que le texte français de l'accord et de l'arrangement d'exécution, conclus entre le Conseil fédéral et l'Organisation mondiale de la santé pour régler le statut juridique de cette dernière et que je vous avais soumis, a été trouvé conforme à l'ori-

ginal. Je vais en conséquence pouvoir faire procéder à l'enregistrement auprès des Nations Unies des deux actes diplomatiques dont il s'agit.

Ainsi que vous avez bien voulu le faire observer, c'est le texte français seul qui, en cas de contestation, fera foi.

J'ai pris note de votre désir de fixer au 21 août 1948 la date de la conclusion de l'accord et de son arrangement d'exécution; cette date est celle de l'approbation définitive de ces deux actes par le Conseil fédéral. Par contre, la date de leur entrée en vigueur a été fixée, avec effet rétroactif, au 17 juillet 1948 qui est le jour de l'approbation des deux textes en question par l'Assemblée mondiale de la santé.

Veuillez agréer, Monsieur le Conseiller fédéral, les assurances de ma haute considération.

Dr Brock CHISHOLM

Directeur général

Monsieur le Conseiller fédéral
Chef du Département politique fédéral,
Berne.

33. AGREEMENT ¹ BETWEEN THE WORLD HEALTH ORGANIZATION AND THE GOVERNMENT OF INDIA CONCERNING THE PRIVILEGES, IMMUNITIES AND FACILITIES TO BE GRANTED BY THE GOVERNMENT OF INDIA TO THE WORLD HEALTH ORGANIZATION. SIGNED AT NEW DELHI, ON 9 NOVEMBER 1949 ²

THE GOVERNMENT OF INDIA

of the one part, and

THE WORLD HEALTH ORGANIZATION

of the other,

DESIRING to conclude an AGREEMENT for the purpose of determining the privileges, immunities and facilities to be granted by the GOVERNMENT OF INDIA to the WORLD HEALTH ORGANIZATION, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the SOUTH EAST ASIA REGION, and of regulating other related matters,

HAVE AGREED as follows:

Article I

DEFINITIONS

Section 1

In the present Agreement:

(i) The word "Organization" shall mean the World Health Organization;

¹ United Nations, *Treaty Series*, vol. 67, p. 44. An identical agreement was concluded with the Republic of the Philippines on 22 July 1951 and entered into force on 22 September 1952 (*ibid.*, vol. 149, p. 198).

² Came into force on 22 September 1949, by the exchange of notes, in accordance with section 33.

(ii) For the purposes of Article IV the words “property and assets”, “funds, gold or currency”, or “assets, income and other property” shall be deemed to include property, assets, and funds administered by the Organization under Article 57 of its Constitution¹ and/or in furtherance of its constitutional functions;

(iii) The words “representatives of Members” shall be deemed to include all delegates to the World Health Assembly; all persons designated by Members to serve on the Executive Board of the Organization; all representatives on the Regional Committees in the South East Asia Region; as well as all delegates, alternates, advisers, technical experts who are members of delegations, and secretaries of delegations;

(iv) The word “Member” shall be deemed to include a Member or an Associate Member of the Organization as well as a territory or group of territories which without being an Associate Member is represented and participating in the Regional Committee of the South-East Asia Region of the Organization, in accordance with Article 47 of its Constitution;

(v) The words “principal or subsidiary organs” shall be deemed to include the World Health Assembly, the Executive Board, the Regional Committee in the South East Asia Region and any of the subdivisions of all these organs as well as the Secretariat and the Regional Office in New Delhi;

(vi) For the purposes of Sections 4, 6, 16 and 17 the words “freedom of meeting” or “meeting of the Organization” shall be deemed to include all meetings of the principal or subsidiary organs of the Organization as well as all conferences or meetings convened by, or under the authority or auspices of, the Organization in India.

Article II

JURIDICAL PERSONALITY

Section 2

The Organization shall possess juridical personality and legal capacity and, in particular, capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, and (c) to institute legal proceedings.

Article III

FREEDOM OF ACTION

Section 3

The Organization and its principal or subsidiary organs shall have in India the independence and freedom of action belonging to an international organization.

Section 4

The Organization, its principal or subsidiary organs, as well as its Members and the representatives of Members in their relations with the Organization, shall enjoy in India absolute freedom of meeting, including freedom of discussion and decision.

¹ United Nations, *Treaty Series*, volume 14, page 185.

Article IV

PROPERTY, FUNDS AND ASSETS

Section 5

The Organization and its property and assets located in India shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity is expressly waived by the Director-General of the Organization or the Regional Director as his duly authorized representative. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 6

(1) The premises of the Organization in India or any premises in India occupied by the Organization in connexion with a meeting of the Organization shall be inviolable.

(2) Such premises and the property and assets of the Organization in India shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 7

The archives of the Organization, and in general all documents belonging to it or held by it in India shall be inviolable.

Section 8

(1) Without being restricted by financial controls, regulations or moratoria of any kind: (a) the Organization may hold funds, gold or currency of any kind and operate accounts in any currency; (b) the Organization shall be free to transfer its funds, gold or currency to or from India or within India and to convert any currency held by it into any other currency.

(2) This section shall also apply to Members of the Organization in their relations with the Organization.

Section 9

The Government of India shall provide for the Organization, at the most favourable rate officially recognized, its national currency to the amount required to meet the expenditure of the Organization in India or other parts of the South-East Asia Region.

Section 10

In exercising its rights under Sections 8 and 9, the Organization shall pay due regard to any representations made by the Government of India in so far as the Organization considers that effect can be given to such representations without detriment to its interests.

Section 11

The Organization, its assets, income and other property shall be: (a) exempt from all direct and indirect taxes. It is understood, however, that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services; (b) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of

medical supplies, or any other goods or articles imported or exported by the Organization for its official use. It is understood, however, that such medical supplies, goods, or articles imported under such exemption will not be sold in India except under conditions agreed with the Government of India; (c) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of their publications.

Section 12

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

Article V

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 13

The Organization shall enjoy in India for its official communications treatment not less favourable than that accorded by the Government of India to any other Government including its diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

Section 14

(1) No censorship shall be applied to the official correspondence and other official communications of the Organization.

(2) The Organization shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article VI

REPRESENTATIVES OF MEMBERS

Section 15

Representatives of Members of the Organization on its principal or subsidiary organs and at conferences or meetings convened by the Organization, shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities: (a) Immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind; (b) Inviolability for all papers and documents; (c) The right to use codes and to despatch or receive papers or correspondence by courier or in sealed bags; (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in India; (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 in respect of their personal baggage as are accorded to members of diplomatic missions

of comparable rank; (g) Such other privileges, immunities and facilities not inconsistent with the foregoing as members of diplomatic missions of comparable rank enjoy, except that they shall have no right to claim exemption from customs duties on articles imported (otherwise than as part of their personal baggage) or from indirect taxes or sales taxes.

Section 16

In order to secure for the representatives of Members of the Organization at a meeting of the Organization complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 17

If the incidence of any form of taxation depends upon residence in India, periods during which the representatives of Members of the Organization are present at a meeting of the Organization in India for the discharge of their duties shall not be considered as periods of residence.

Section 18

Privileges and immunities are accorded to the representatives of Members of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Organization. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded. In any such case in which one of the persons designated to serve on it is concerned, the Executive Board of the Organization shall be under the same duty.

Article VII

EXPERTS ON MISSIONS FOR THE ORGANIZATION

Section 19

Experts and consultants other than those under Section I (iii) or as officials come within the scope of Article VI or VIII respectively and who perform missions for the Organization shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connexion with their missions. In particular, they shall be accorded: (a) Immunity from personal arrest or detention and from seizure of their personal baggage and in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Organization; (b) Inviolability for all papers and documents; (c) For the purpose of their communications with the Organization, the right to use codes and to despatch or receive papers or correspondence by courier or in sealed bags; (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in India; (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 in respect of their personal baggage as are accorded to members of diplomatic missions.

Section 20

Privileges and immunities are granted to experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Article VIII

OFFICIALS

Section 21

The Director-General or the Regional Director as his duly authorized representative shall from time to time communicate to the Government of India the names of those officials to whom the provisions of this Article and Article IX shall apply.

Section 22

Officials of the Organization shall: (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity; (b) be exempt from taxation in respect of the salaries and emoluments paid to them by the Organization; (c) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration; (d) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to India; (e) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions; (f) have the right to import free of duty their furniture and effects at the time of taking up their post in India or upon their permanent appointment to it; (g) once every three years have the right to import free of duty a motor-car, it being understood that the duty will become payable in the event of the sale or disposal of such motor-car to a person not entitled to this exemption within three years upon its importation.

Section 23

(i) The officials of the Organization shall be exempt from national service obligations in India provided that, in relation to officials who are Indian nationals, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Director-General or the Regional Director as his duly authorized representative and communicated to the Government of India.

(ii) Should other officials of the Organization be called up for national service, the Government of India shall, at the request of the Director-General or the Regional Director as his duly authorized representative, grant such deferments in the call-up of such officials as may be necessary to avoid serious dislocation in the continuation of essential work.

Section 24

In addition to the immunities and privileges specified in Sections 22 and 23, the Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director in India and, if the Director-General should so desire and communicate their names to the Government of India, certain officials of a director's status, shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

Section 25

Privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Section 26

The Organization shall co-operate at all times with the appropriate authorities of the Government of India to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this Article.

Article IX

VISAS, PERMITS OF RESIDENCE, UNITED NATIONS LAISSEZ-PASSER

Section 27

(1) The Government of India shall take all measures required to facilitate the entry into, residence in, and departure from India of all persons having official business with the Organization, i.e., (a) representatives of Members, whatever may be the relations between India and the Member concerned; (b) experts and consultants on missions for the Organization, irrespective of nationality; (c) officials of the Organization; (d) other persons irrespective of nationality, summoned by the Organization.

(2) Any police regulation calculated to restrict the entry of aliens into India or to regulate the conditions of their residence shall not apply to the persons provided for in this section.

(3) The Government of India shall issue to the embassies, legations and consulates abroad general instructions in advance to grant visas to any applicant on production of a valid identity and travel document and of a document establishing his official relationship to the Organization, without any delay or waiting period and without requiring his personal attendance or the payment of any charges.

(4) The provisions of this Section shall apply to the spouse and dependants of the person concerned if they live with him and do not exercise an independent profession or calling.

Section 28

The Government of India shall recognize and accept as valid travel documents the United Nations Laissez-passer issued to the officials of the

Organization under administrative arrangements concluded between the Director-General of the Organization and the Secretary-General of the United Nations.

Section 29

The Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director of the Organization in India and the Directors of the Organization travelling on its official business shall be granted the same facilities as are accorded to diplomatic envoys.

Article X

SECURITY OF GOVERNMENT OF INDIA

Section 30

Nothing in the present agreement shall be construed to preclude the adoption of appropriate security precautions in the interests of the Government of India which shall be determined by agreement between the Government of India and the Director-General.

Article XI

SETTLEMENT OF DISPUTES

Section 31

The Organization shall make provision for appropriate modes of settlement of: (a) disputes arising out of contracts or other disputes of a private law character to which the Organization is a party; (b) disputes involving any official of the Organization who, by reason of his official position, enjoys immunity, if immunity has not been waived by the Director-General in accordance with the provisions of Section 25.

Section 32

Any difference between the Organization and the Government of India arising out of the interpretation or application of the present Agreement or of any supplementary arrangement or agreement which is not settled by negotiation shall be submitted for decision to a board of three arbitrators; the first to be appointed by the Government of India, the second by the Director-General of the Organization, and the third, the presiding arbitrator, by the President of the International Court of Justice, unless in any specific case the parties hereto agree to resort to a different mode of settlement.

Article XII

FINAL PROVISIONS

Section 33

The present Agreement shall enter into force upon an exchange of notes between the authorized representatives of the Government of India and the Organization stating respectively that it has been approved by the Government of India and adopted by the World Health Assembly.

Section 34

On the coming-into-force of the present Agreement, it will be communicated for registration to the Secretary-General of the United Nations by the Director-General of the Organization, in pursuance of Article 1 of

the Regulations, to give effect to Article 102 of the Charter of the United Nations adopted by the General Assembly of the United Nations on 14 December 1946.¹

Section 35

The present Agreement may be revised at the request of either party. In this event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding within one year, the present Agreement may be denounced by either party giving two years' notice. Notice of denunciation to the Government of India may be given to the representative of that Government in the Organization, and notice to the Organization may be given to the Director-General.

IN FAITH WHEREOF the present Agreement was done and signed at New Delhi on the 9th day of November 1949, in six copies, three in French and three in English, the texts in both languages being equally authentic, of which two texts one copy in French and one in English were handed to the representatives of the Government of India and the four remaining copies to the Director-General of the World Health Organization.

For the Government
of India:
(Signed) P. M. MENON
Joint Secretary
Ministry of Health
Govt. of India

For the World Health
Organization:
(Signed) C. MANI
for Director-General

EXCHANGE OF NOTES

I

Mr. P. S. Doraswami to Dr. C. Mani

GOVERNMENT OF INDIA
MINISTRY OF HEALTH

New Delhi, the 20th May, 1949

Sir,

With reference to your letter No. 11-3/48, dated the 10th February, 1949, I am directed to convey the approval of the Government of India to the draft agreement regarding the privileges, immunities and facilities to be granted by the Government of India to the World Health Organization.

It is not clear how "comparable rank" mentioned in article 22 (d) in the draft agreement is to be determined. While the Government of India have no objection to the retention of the phrase "comparable rank", it is requested that they may kindly be informed of the procedure suggested for determining "comparable rank".

Yours faithfully,

P. S. DORASWAMI
Under-Secretary

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

II

Dr. Brock Chisholm to Ministry of Health

WORLD HEALTH ORGANIZATION

Geneva, 28 July 1949

Sir,

I have the honour to acknowledge receipt of your letter of 20 May 1949 (Ref. F.14-36/49-P.H.II) by which you notify me of the approval by the Government of India of the Agreement conferring privileges, immunities and facilities on the World Health Organization in India.

I am to inform you that the Second World Health Assembly, at its ninth plenary meeting on 25th June 1949, approved this Agreement, and authorized the Director-General or his representative to sign the Agreement, and in accordance with Article XII, Section 33, to transmit the necessary notification of approval to your Government.

I have therefore authorized the Regional Director for the South East Asia Region to sign the Agreement on behalf of the World Health Organization, and I would propose that the Agreement be considered as having entered into force from the date of its approval by the World Health Assembly.

I have further requested the Regional Director for the South East Asia Region to correspond with your Government concerning the interpretation of "comparable rank" in Section 22 (*d*) and (*e*) of the Agreement.

I have the honour to be, etc.

Brock CHISHOLM, M.D.
Director-General

III

Mr. P. S. Doraswami to Dr. C. Mani

GOVERNMENT OF INDIA
MINISTRY OF HEALTH

New Delhi, the 22nd September, 1949

Subject: Agreement between WHO and Government of India

Sir,

I am directed to acknowledge receipt of your letter No. 35402/35 dated the 5th August, 1949 and its enclosure on the subject mentioned above. This completes the exchange of notes in accordance with Article XII, Section 33 of the agreement. A date, time and place for signing the agreement will be fixed shortly in consultation with you.

Yours faithfully,

P. S. DORASWAMI
Under-Secretary

34. AGREEMENT¹ BETWEEN THE WORLD HEALTH ORGANIZATION AND THE GOVERNMENT OF EGYPT FOR THE PURPOSES OF DETERMINING THE PRIVILEGES, IMMUNITIES AND FACILITIES TO BE GRANTED IN EGYPT BY THE GOVERNMENT TO THE ORGANIZATION, TO THE REPRESENTATIVES OF ITS MEMBERS AND TO ITS EXPERTS AND OFFICIALS. SIGNED AT CAIRO, ON 25 MARCH 1951²

THE GOVERNMENT OF EGYPT on the one part,

and

THE WORLD HEALTH ORGANIZATION on the other,

DESIRING to conclude an agreement for the purpose of determining the privileges, immunities and facilities to be granted by the GOVERNMENT OF EGYPT to the WORLD HEALTH ORGANIZATION, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the EASTERN MEDITERRANEAN REGION, and of regulating other related matters;

HAVE AGREED AS FOLLOWS:

. . .

Article IV

PROPERTY, FUNDS AND ASSETS

. . .

Section 8. (1) The World Health Organization may receive and hold funds, notes, coins and securities of any kind and may dispose of them freely both within Egypt and in its relations with other countries.

. . .

Article V

FACILITIES IN RESPECT OF COMMUNICATIONS

. . .

Section 14. (1) No censorship shall be applied to the duly authenticated official communications of the Organization.

. . .

Article VI

REPRESENTATIVES OF MEMBERS

Section 15. Representatives of Members of the Organization on its principal or subsidiary organs and at conferences or meetings convened by the Organization and who are not of Egyptian nationality shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

. . .

¹ United Nations, *Treaty Series*, vol. 223, p. 88.

² Having been approved by the Fourth World Health Assembly in May 1951 and ratified by the Government of Egypt on 8 August 1951, the Agreement came into force on 8 August 1951 in accordance with article XII, section 35.

Section 19. The Organization will as far as possible communicate in advance to the Government of Egypt a list of the representatives invited to its conferences or meetings.

. . .

Article VIII

OFFICIALS

Section 22. The Director-General, or the Regional Director as his duly authorized representative, shall from time to time communicate to the Government of Egypt the categories and the names of those officials to whom the provisions of this Article and Article IX shall apply.

Section 23. (1) Officials of the Organization irrespective of nationality shall:

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

(b) Be exempt from taxation in respect of the salaries and emoluments paid to them by the Organization.

(2) Moreover those who are not of Egyptian nationality shall:

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

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

(c) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;

(d) Have the right to import free of duty their furniture and effects at the time of taking up their post in Egypt or upon their permanent appointment to it;

(e) Once every three years have the right to import free of duty a motor-car, it being understood that the duty will become payable in the event of the sale or disposal of such motor-car to a person not entitled to this exemption within three years upon its importation.

Section 24. (1) The officials of the Organization shall be exempt from national service obligations in Egypt provided that, in relation to officials who are Egyptian nationals, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Director-General or the Regional Director as his duly authorized representative and approved by the Government of Egypt.

. . .

Section 25. In addition to the immunities and privileges specified in section 22, the Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director in Egypt and his Deputy shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law and usage.

. . .

*Article IX*VISAS, PERMITS OF RESIDENCE, UNITED NATIONS
LAISSEZ-PASSER AND OTHER FACILITIES

. . .

Section 30. (1) The Organization will be supplied, in the premises placed at its disposal, with electricity, water and gas, and with service for the removal of refuse. In a case of force majeure entailing partial or total suspension of these services, the requirements of the Organization will be considered by the Government of Egypt to be of the same importance as those of its own administrations.

(a) The Government of Egypt will ensure the necessary police supervision for the protection of the seat of the Organization and for the maintenance of order in the immediate vicinity thereof. At the request of the Director-General, the Government of Egypt will supply such police force as may be necessary to maintain order within the building.

Article X

SECURITY OF THE GOVERNMENT OF EGYPT

Section 31. (1) Nothing in the present agreement shall affect the right of the Egyptian Government to take the precautions necessary for the security of Egypt.

(2) If the Egyptian Government considers it necessary to apply the first paragraph of this article, it shall approach the World Health Organization as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary to protect the interests of the World Health Organization.

(3) The World Health Organization shall collaborate with the Egyptian authorities to avoid any prejudice to the security of Egypt resulting from its activity.

Article XI

CO-OPERATION AND SETTLEMENT OF DISPUTES

Section 32. The Organization shall co-operate at all times with the appropriate authorities of the Government of Egypt to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the privileges, immunities and facilities provided for under the present Agreement.

. . .

Note: The remaining provisions of this agreement are substantially the same as the corresponding provisions of the treaty with India reproduced above. There is no provision in this agreement corresponding with section 26 of the agreement with India.

EXCHANGE OF LETTERS

I

Letter from the Egyptian Government to the World Health Organization, dated 25 March 1951

Sir,

With respect to the conclusion between the Egyptian Government and the World Health Organization of the Agreement concerning the privileges, immunities and facilities to be accorded to the Organization in Egypt, I have the honour to submit the following:

1. The Organization may, under Section 8, hold gold and, through normal channels, receive and transfer it to and from Egypt. It shall not, however, transfer from Egypt more gold than it has brought in.

2. With reference to Article 8, the Organization and the Government shall determine by mutual agreement the categories of officials and the nature and extent of facilities, privileges and immunities to be accorded to each category.

3. With reference to Section 25, the Organization will not claim on behalf of officials assigned to the staff of the Regional Office in Egypt, who are Egyptian nationals, irrespective of grade, immunity from the criminal jurisdiction of the Egyptian Courts in respect of words spoken or written and acts performed by them in so far as these words or acts are not spoken or written or performed by them in their official capacity.

4. In claiming the benefit of Section 27 (2) of the Agreement, the Organization will not claim on behalf of the persons mentioned in Section 27 (1) exemption from police regulations in so far as such regulations are made by virtue of the International Sanitary Conventions or by virtue of similar conventions, agreements or regulations adopted by the World Health Organization.

(Signed) MOHAMED SALAH EL-DINE

II

Letter from the World Health Organization to the Egyptian Government, dated 25 March 1951

Sir,

With respect to the conclusion between the Egyptian Government and the World Health Organization of the Agreement concerning the privileges, immunities and facilities to be accorded to the Organization in Egypt, and in answer to your letter of 25th March 1951, I have the honour to communicate the following:

1. I agree that . . .

[See paragraphs 1 to 4 of letter I]

(Signed) A. T. CHOUCHA PACHA

35. ACCORD ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE ET L'ORGANISATION MONDIALE DE LA SANTÉ POUR DÉTERMINER LES PRIVILÈGES, IMMUNITÉS ET FACILITÉS ACCORDÉS PAR LE GOUVERNEMENT A L'ORGANISATION, AUX REPRÉSENTANTS DE SES MEMBRES, A SES EXPERTS ET SES FONCTIONNAIRES, DANS LES TERRITOIRES FRANÇAIS OU ADMINISTRÉS PAR LA FRANCE COMPRIS DANS LA RÉGION D'AFRIQUE, TELLE QU'ELLE A ÉTÉ DÉLIMITÉE PAR LA PREMIÈRE ASSEMBLÉE MONDIALE DE LA SANTÉ. SIGNÉ A PARIS ET A GENÈVE, LES 23 JUILLET ET 1^{er} AOÛT 1952 ¹

Le Gouvernement de la République française (ci-après dénommé « le Gouvernement ») d'une part, et

L'Organisation mondiale de la santé (ci-après dénommée « l'Organisation ») d'autre part,

Désireux de conclure un accord en vue de déterminer les privilèges, immunités et facilités qui devront être accordés par le Gouvernement à l'Organisation, aux représentants de ses Membres, à ses experts et à ses fonctionnaires, dans les territoires français ou administrés par la France compris dans la région d'Afrique, telle qu'elle a été délimitée par la Première Assemblée mondiale de la santé, et

Désireux de régler diverses autres questions connexes,

Ont convenu ce qui suit:

Article I

DÉFINITIONS

Section I

Dans le présent accord:

a) Le terme « territoires » désigne les territoires français ou administrés par la France compris dans la région d'Afrique, telle qu'elle a été délimitée par la Première Assemblée mondiale de la santé;

b) Aux fins d'application de l'article IV, les termes de « biens et avoirs », « fonds, devises ou numéraires », ou « avoirs, revenus et autres biens » comprennent les biens, avoirs et fonds qui sont administrés par l'Organisation en application de l'article 57 de sa Constitution ou dans l'accomplissement de ses fonctions constitutionnelles;

c) Le terme de « Membre » comprend les Etats Membres et les Membres associés de l'Organisation qui font partie du Comité régional pour l'Afrique, ainsi que les territoires ou groupes de territoires qui, bien que n'étant pas Membres associés, se trouvent représentés et participent audit comité conformément à l'article 47 de la Constitution de l'Organisation;

d) Les termes de « représentants des Membres » comprennent tous les délégués, délégués suppléants, conseillers, experts techniques et secrétaires

¹ Nations Unies, *Recueil des Traités*, vol. 209, p. 232. Entré en vigueur le 20 mai 1953, conformément à la section 34 de l'article XIII, l'Accord ayant été adopté par l'Assemblée mondiale de la santé à cette date.

des délégations des Etats Membres du Comité régional pour la Région d'Afrique, ainsi que les membres du Conseil Exécutif de l'Organisation;

e) Les termes de « organes régionaux » de l'Organisation comprennent le Comité régional pour l'Afrique, son bureau régional à Brazzaville ainsi que toute subdivision de ces organes;

f) Aux fins de l'application des sections 4, 6, 16, 17 et 19 les termes « liberté de réunion » ou « réunion de l'Organisation » comprennent toutes les réunions des organes régionaux de l'Organisation, ainsi que toutes conférences ou sessions convoquées par l'Organisation, ou tenues sous son autorité, ou sous ses auspices, dans les territoires visés au présent accord;

g) Le terme « communications » désigne l'ensemble des correspondances postales, télégraphiques et téléphoniques de l'Organisation.

Article II

PERSONNALITÉ JURIDIQUE

Section 2 . . .

Article III

LIBERTÉ D'ACTION ET DE RÉUNION

Section 3 . . .

Section 4 . . .

Article IV

BIENS, FONDS ET AVOIRS

Section 5 . . .

Section 6 . . .

Section 7 . . .

. . .¹

Section 8

1) Sans être astreinte à aucun contrôle, réglementation ou moratoire financiers:

a) L'Organisation peut détenir des fonds, devises ou numéraires de toute nature et gérer des comptes en n'importe quelle monnaie;

b) L'Organisation peut transférer librement ses fonds, devises et numéraires à destination ou en provenance des territoires ou à l'intérieur de ces territoires et convertir toute devise détenue par elle en toute autre monnaie.

2) La présente section s'applique également aux Membres dans leurs relations avec l'Organisation.

Section 9

Le Gouvernement procure à l'Organisation des devises nationales au taux le plus favorable pratiqué par l'Office local des changes à concurrence du montant nécessaire pour couvrir les dépenses de l'Organisation dans les territoires visés dans le présent accord.

¹ Les dispositions des sections 2 à 7 sont identiques en substance à celles des sections correspondantes de l'accord avec l'Inde reproduit plus haut.

Section 10

Dans l'exercice des droits qui lui sont accordés en vertu des sections 5, 6, 7, 8 et 9, l'Organisation tient compte de toute représentation qui lui serait faite par le Gouvernement, dans la mesure où elle estime pouvoir y donner suite sans porter préjudice à ses intérêts.

Section 11 . . .

Section 12 . . .

. . .¹

Article V

FACILITÉS DE COMMUNICATION

Section 13

L'Organisation jouit dans les territoires, pour ses communications officielles, d'un traitement non moins favorable que celui accordé par le Gouvernement à tout autre gouvernement, ou à la mission diplomatique de tout autre gouvernement, en matière de priorités, tarifs et taxes sur le courrier, les câblogrammes, télégrammes, radio-télégrammes, téléphotos, communications téléphoniques ou autres, ainsi qu'en matière de tarifs de presse pour les informations destinées à la presse et à la radio, sous réserve que ce traitement ne soit pas incompatible avec les clauses de la Convention internationale des télécommunications.²

Section 14 . . .

Article VI

REPRÉSENTANTS DES MEMBRES

Section 15 . . .

Section 16 . . .

Section 17 . . .

Section 18 . . .

Section 19 . . .

Article VII

EXPERTS SE TROUVANT EN MISSION POUR LE COMPTE DE L'ORGANISATION

Section 20 . . .

Section 21 . . .

. . .³

¹ Les dispositions des sections 11 et 12 sont identiques en substance à celles des sections correspondantes de l'accord avec l'Inde reproduit plus haut.

² Nations Unies, *Recueil des Traités*, vols. 193, p. 189, et vol. 194 et 195.

³ Les dispositions des sections 14 à 18 sont identiques en substance à celles des sections correspondantes de l'Accord avec l'Inde, à l'exception de l'alinéa g de la section 15 qui ne se trouve pas dans l'accord conclu avec la France. La section 19 de l'accord avec la France est identique à la section correspondante de l'Accord avec l'Égypte. Les dispositions des sections 20 et 21 de l'Accord avec la France sont essentiellement identiques à celles des sections 19 et 20 de l'Accord avec l'Inde.

Article VIII

FONCTIONNAIRES

Section 22

Le Directeur général — ou le Directeur régional agissant en qualité de représentant dûment mandaté du premier — détermine, en consultation avec le Gouvernement :

- a) Les différentes catégories de fonctionnaires bénéficiant des dispositions de la section 23 et de l'article IX;
- b) L'étendue de ces immunités, privilèges et facilités applicables à chacune des catégories.

En outre le Directeur régional communique au Gouvernement la liste tenue à jour des fonctionnaires visés ci-dessus avec mention de la catégorie à laquelle ils appartiennent.

Section 23

Les fonctionnaires de l'Organisation jouissent :

- a) De l'immunité de juridiction pour tous actes accomplis par eux en leur qualité officielle et dans la limite de leurs attributions, y compris leurs paroles et écrits;

. . .

- f) Du droit d'importer en franchise de douane leurs meubles et effets personnels, dans les six mois qui suivent leur entrée en fonction définitive, ainsi que certains produits destinés à la consommation personnelle (nourriture, boissons, etc.) dont la liste est arrêtée en accord avec le Gouvernement;

. . .¹

Section 24

Outre les privilèges et immunités énumérés à la section 23, le Directeur général, le Directeur général adjoint, les Sous-Directeurs généraux et le Directeur régional jouissent pour eux-mêmes, pour leur conjoint et leurs enfants mineurs, des privilèges, immunités, exemptions et facilités accordés aux représentants des Membres.

Section 25

Les privilèges et immunités sont accordés aux fonctionnaires dans l'intérêt de l'Organisation et non pas à l'avantage personnel des intéressés. Le Directeur général a le droit et le devoir de lever l'immunité de tout fonctionnaire toutes les fois où, à son avis, cette immunité entraverait l'action de la justice et où elle pourrait être levée sans porter préjudice aux intérêts de l'Organisation.

Section 26

L'Organisation prend les mesures nécessaires pour faciliter la bonne administration de la justice et l'observation des lois et règlements de tout ordre et pour éviter tout abus auquel pourraient donner lieu tous les privilèges, immunités et facilités qui leur sont accordés.

¹ Les dispositions des alinéas *b*, *c*, *d*, *e*, et *g* de cette section sont identiques en substance à celles des alinéas correspondants de la section 22 de l'accord avec l'Inde.

Article IX

VISAS, PERMIS DE SÉJOUR, LAISSEZ-PASSER DES NATIONS UNIES

Section 27

1) Le Gouvernement prend toutes les mesures nécessaires pour faciliter l'entrée et le séjour dans les territoires, ainsi que le départ de ces territoires, de toutes les personnes appelées, en qualité officielle, auprès de l'Organisation, à savoir:

- a) Les représentants des Membres;
- b) Les experts et conseillers se trouvant en mission pour le compte de l'Organisation, quelle qu'en soit la nationalité;
- c) Les fonctionnaires de l'Organisation;
- d) Toutes autres personnes, quelle qu'en soit la nationalité, invitées par l'Organisation.

2) Les règlements de police visant à restreindre l'entrée des étrangers dans les territoires ou à réglementer les conditions de leur séjour ne sont pas applicables à l'égard des personnes visées à la présente section.

3) Sous réserve des dispositions précédentes, les autorités françaises retiennent leur droit de décision et de contrôle en ce qui concerne l'entrée en territoire français des personnes et les conditions auxquelles ces personnes seront admises à demeurer ou à résider sur ledit territoire.

4) Par ailleurs, les personnes désignées au paragraphe 1 ne sont pas dispensées de l'observation des règlements de quarantaine et de santé publique.

5) Le Gouvernement adresse, à l'avance, à ses ambassades, légations et consulats à l'étranger, des instructions générales leur enjoignant d'accorder, dans le plus bref délai, le visa à tout requérant sur présentation d'un titre valable d'identité et de voyage, ainsi que d'une pièce établissant la qualité de représentant des Membres, expert, conseiller ou fonctionnaire de l'Organisation, sans exiger la présence personnelle du requérant, ni l'acquittement de taxes.

6) Les dispositions de la présente section s'appliquent au conjoint et aux enfants de l'intéressé si ceux-ci vivent avec lui et n'exercent pas de profession ou d'activité indépendante.

Section 28

Le Gouvernement reconnaît et accepte, comme titre de voyage valable, le laissez-passer des Nations Unies remis aux fonctionnaires de l'Organisation conformément à des arrangements administratifs conclus entre le Directeur général de l'Organisation et le Secrétaire général des Nations Unies.

Section 29

Le Directeur général, le Directeur général adjoint, les Sous-Directeurs généraux, les Directeurs régionaux et les Directeurs de l'Organisation, se trouvant en voyage officiel pour le compte de celle-ci, jouissent des mêmes facilités que les représentants des Membres.

Article X

LOCAUX ET LOGEMENTS

Section 30

1) Le Gouvernement donne à l'Organisation et à son personnel toute l'assistance requise pour leur procurer, aux conditions les plus favorables,

les locaux ou logements qui leur sont nécessaires et pour faciliter leur installation dans lesdits locaux ou logements.

2) Le Gouvernement exerce la surveillance de police qu'exigent la protection des locaux de l'Organisation et le maintien de l'ordre dans leur voisinage immédiat. A la demande du Directeur régional, le Gouvernement envoie les forces de police nécessaires au maintien de l'ordre à l'intérieur des bâtiments.

Article XI

SÉCURITÉ DU GOUVERNEMENT

Section 31

1) Rien dans le présent accord n'affecte le droit du Gouvernement de prendre toutes mesures de précaution utiles à la sécurité de l'Union française et au maintien de l'ordre public.

2) Au cas où il estimerait nécessaire d'appliquer le premier paragraphe de la présente section, le Gouvernement se met, aussi rapidement que les circonstances le permettent, en rapport avec l'Organisation en vue d'arrêter, d'un commun accord, les mesures nécessaires à la protection des intérêts de cette dernière.

Article XII

RÈGLEMENTS DES DIFFÉRENDS

Section 32

L'Organisation veille à ce que, par une procédure appropriée de son choix, il soit pourvu au règlement :

a) Des différends en matière de contrat ou autres différends de droit privé dans lesquels l'Organisation est partie ;

b) Des différends dans lesquels est impliqué un fonctionnaire de l'Organisation qui, du fait de sa situation officielle, jouit de l'immunité, si cette immunité n'a pas été levée par le Directeur général conformément aux dispositions de la section 25.

Section 33

Toute divergence de vues entre l'Organisation et le Gouvernement portant sur l'interprétation ou l'application du présent accord ou d'un accord ou arrangement complémentaire, qui n'aurait pas été réglée par voie de négociation, est déférée à un collège d'arbitres de trois membres ; le premier de ces arbitres est nommé par le Gouvernement, le second par le Directeur général de l'Organisation et le troisième, qui présidera le collège d'arbitres, est désigné par le Président de la Cour internationale de Justice, à moins que les parties au présent accord ne décident, dans un cas d'espèce, de recourir à un mode différent de règlement.

Article XIII

DISPOSITIONS FINALES

Section 34

Le présent accord entre en vigueur dès qu'il aura été signé par le Gouvernement et adopté par l'Assemblée mondiale de la santé.

ÉCHANGE DE LETTRES

I

Lettre du 4 août 1952, adressée par le Gouvernement français à l'Organisation mondiale de la santé au sujet de l'interprétation et de l'application de l'Accord

Monsieur le Directeur général,

En vue de la conclusion de l'accord entre le Gouvernement de la République et l'Organisation mondiale de la santé relativement aux privilèges, immunités et facilités qui seront accordés à l'Organisation dans les territoires français ou administrés par la France compris dans la région d'Afrique, j'ai l'honneur de vous communiquer les précisions ci-dessous :

a) Les sections 6 et 7 confèrent certaines immunités aux locaux de l'Organisation. Il s'agit en l'espèce exclusivement des locaux administratifs occupés par l'Organisation.

Dans le cas où il y aurait des preuves ou des présomptions graves de la présence dans ces locaux soit de personnes poursuivies pour des crimes ou délits de droit commun ou pour atteinte à la sûreté de l'Etat, soit de documents ou objets illégalement introduits, le Directeur régional, agissant en votre nom, s'entendra avec les autorités gouvernementales pour lever les immunités.

b) Les dispositions du paragraphe b de la section 23 devront être entendues sous la réserve qu'un Etat peut taxer ses ressortissants à moins que les Etats Membres ne conviennent d'un système par lequel les salaires et émoluments en question seraient imposés par l'Organisation elle-même.

c) Le Gouvernement regrette de ne pouvoir exempter les fonctionnaires internationaux ressortissants de l'Union française des obligations militaires auxquelles sont assujettis tous les Français sans distinction. Il examinera cependant les cas d'espèce avec toute la bienveillance désirable, compte tenu des responsabilités internationales qui incombent aux fonctionnaires de l'Organisation.

Veillez agréer, etc.

(Signé) Maurice SCHUMANN
Secrétaire d'Etat aux affaires étrangères

II

Réponse, en date du 13 août 1952, de l'Organisation mondiale de la santé à la note du Gouvernement français concernant l'interprétation et l'application de l'Accord

Monsieur le Ministre,

Comme suite à la conclusion de l'accord entre le Gouvernement de la République française et l'Organisation mondiale de la santé relativement aux privilèges, immunités et facilités qui seront accordés à cette Organisation dans les territoires français ou administrés par la France compris dans la région d'Afrique et en réponse à votre lettre du 4 août 1952 (réf. 565 SC), j'ai l'honneur de vous communiquer ce qui suit :

a) Je conviens que les dispositions des sections 6 et 7 ne s'appliquent qu'aux locaux administratifs occupés par l'Organisation et que le Directeur régional s'entendra avec les autorités gouvernementales pour lever les immunités en question dans le cas où il y aurait des preuves ou des présomptions

graves de la présence dans ces locaux soit de personnes poursuivies pour des crimes ou délits de droit commun ou pour atteinte à la sûreté de l'Etat, soit de documents ou objets illégalement introduits.

b) Je prends note de votre déclaration aux termes de laquelle les dispositions du paragraphe *b* de la section 23 devront être entendues sous la réserve qu'un Etat peut taxer ses ressortissants à moins que les Etats Membres ne conviennent d'un système par lequel les salaires et émoluments en question seraient imposés par l'Organisation elle-même.

c) Je prends note de l'engagement pris par le Gouvernement français, dans l'impossibilité où il se trouve d'exempter les fonctionnaires internationaux, ressortissants de l'Union française, des obligations militaires auxquelles sont assujettis tous les Français sans distinction, d'examiner les cas d'espèce avec toute la bienveillance désirable, compte tenu des responsabilités internationales qui incombent aux fonctionnaires de l'Organisation.

Veillez agréer, etc.

Pour le Dr Brock CHISHOLM, *Directeur général* :

(Signé) Dr P. DOROLLE

III

Lettre du Gouvernement français, en date du 4 août 1952, transmettant l'Accord signé à l'Organisation mondiale de la santé

Monsieur le Directeur général,

En vous renvoyant ci-joint, revêtu de ma signature, l'accord passé entre le Gouvernement de la République française et l'Organisation mondiale de la santé, j'ai l'honneur de vous faire savoir que, sans attendre son approbation par l'Assemblée mondiale de la santé, le Gouvernement français est disposé, pour sa part, à en appliquer les clauses, notamment en vue de l'installation du Bureau régional de l'Afrique à Brazzaville.

En ce qui concerne la réserve qui figure dans la note d'interprétation dudit accord et qui a trait à l'exonération d'impôts des ressortissants français, je tiens à vous assurer que les autorités compétentes soumettront sans délai les demandes d'exonération dont elles seront saisies aux Assemblées responsables des territoires, seules habilitées à en décider. Je ne doute pas que ces demandes seront examinées dans l'esprit le plus bienveillant.

Veillez agréer, etc.

Pour le Ministre et par autorisation :

(Signé) V. BROUSTRA

Ministre plénipotentiaire

Directeur du Secrétariat des Conférences

IV

Réponse, en date du 13 août 1952, de l'Organisation mondiale de la santé à la lettre de transmission du Gouvernement français

Monsieur le Ministre,

J'ai l'honneur d'accuser réception de votre lettre en date du 4 août 1952 (réf. 564 SC) accompagnant l'accord passé entre le Gouvernement de la République française et l'Organisation mondiale de la santé pour déterminer dans la Région africaine le statut juridique de cette Organisation et de ceux

qui y sont rattachés; je vous remercie vivement de cet envoi et note avec plaisir que le Gouvernement français est disposé à en appliquer les clauses, sans attendre l'approbation dudit accord par l'Assemblée de la Santé.

Je note également avec satisfaction l'assurance que vous voulez bien me donner concernant la réserve figurant dans la note d'interprétation de l'accord susvisé et qui a trait à l'exonération d'impôts des ressortissants français, assurance selon laquelle les autorités compétentes soumettront sans délai les demandes d'exonération dont elles seront saisies aux Assemblées responsables des territoires, seules habilitées à en décider.

Veillez agréer, etc.

Pour le Dr Brock CHISHOLM, *Directeur général* :

(*Signé*) Dr P. DOROLLE

36. AGREEMENT¹ BETWEEN THE GOVERNMENT OF DENMARK AND THE WORLD HEALTH ORGANIZATION FOR THE PURPOSE OF DETERMINING THE PRIVILEGES, IMMUNITIES AND FACILITIES TO BE GRANTED BY THE GOVERNMENT TO THE ORGANIZATION IN RESPECT OF THE REPRESENTATIVES OF ITS MEMBERS, ITS EXPERTS AND OFFICIALS, IN PARTICULAR WITH REGARD TO ITS ARRANGEMENTS IN THE EUROPEAN REGION. SIGNED AT GENEVA, ON 29 JUNE 1955, AND AT COPENHAGEN, ON 7 JULY 1955²

The Government of Denmark, of the one part, and the World Health Organization, of the other,

Desiring to conclude an Agreement for the purpose of determining the privileges, immunities and facilities to be granted by the Government of Denmark to the World Health Organization, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the European Region, and of regulating other related matters,

Have agreed as follows:

. . .

Article IV

PROPERTY, FUNDS AND ASSETS

. . .

Section 8. (1) Without being restricted by financial controls, regulations or moratoria of any kind: (a) the Organization may receive and hold funds, notes, coins, gold, currency and securities of any kind and operate accounts in any currency; (b) the Organization shall be free to transfer its funds, notes, coins, gold, currency or securities to or from Denmark or within Denmark and to convert any currency held by it into any other currency.

. . .

¹ United Nations, *Treaty Series*, vol. 247, p. 170.

² Came into force on 29 June 1956, in accordance with section 33.

Article VIII

OFFICIALS

Sections 22. (1) Officials of the Organization, irrespective of nationality, shall: (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity; (b) be exempt from taxation in respect of the salaries and emoluments paid to them by the Organization.

(2) Moreover those who are not of Danish nationality shall: (a) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration; (b) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to Denmark; (c) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions; (d) have the right to import free of duty their furniture and effects at the latest within a period of three years upon their definitive appointment to their post in Denmark, as well as certain products intended for personal consumption (food products, drinks, etc.) in accordance with a list to be approved by the Government of Denmark; (e) have the right, once every three years, to import free of customs and excise duties a motor vehicle, it being understood that permission to sell or dispose of the vehicle in the open market will normally be granted two years after its importation only. It is further understood that customs duties will become payable in the event of the sale or disposal of such motor vehicle within three years after its importation to a person not entitled to this exemption.

Note: Section 13 of this agreement is identical with section 13 of the agreement with France. Section 23 (1) is identical with section 24 (1) of the agreement with Egypt. The remaining provisions are substantially the same as the corresponding provisions of the agreement with India. There is no provision in this agreement corresponding with section 15 (g) of the agreement with India.

37. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE GOVERNMENT OF DENMARK AND THE
WORLD HEALTH ORGANIZATION REGARDING THE IN-
TERPRETATION AND APPLICATION OF THE AGREE-
MENT OF 29 JUNE AND 7 JULY 1955. COPENHAGEN, 7
JULY 1955, AND GENEVA, 15 JULY 1955

I

LETTER FROM THE DANISH GOVERNMENT TO THE WORLD
HEALTH ORGANIZATION, DATED 7 JULY 1955, REGARDING
THE INTERPRETATION AND APPLICATION OF THE AGREEMENT

In connexion with the signature of a Host Agreement between the Govern-
ment of Denmark and the World Health Organization for the purpose of

¹ Came into force on 29 June 1956, the date of entry into force of the Agreement.

determining the privileges, immunities and facilities to be granted by the Government to the Organization, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the European Region, and of regulating other related matters, I have the honour to record my understandings regarding the following matters:

(a) With respect to the expression "for official use" in section 11 (b), the exemption granted by this Section is to be confined to goods and articles required by the Organization for its own purposes and functions and will not be claimed by the officials of the Organization individually.

(b) With respect to the expression "minor purchases" in section 12, this term is to be deemed to mean purchases of which the amount does not exceed 200 Danish kroner, it being understood that an amount exceeding 200 kroner may be the aggregate of several purchases from the same supplier during any quarter of the year.

(c) In respect of return of amounts of duty or tax on purchase for official use under section 12, the position of the Organization will be assimilated to that of the diplomatic missions in Copenhagen, without any reservation as to reciprocity, and for administrative purposes the Organization will, to the extent possible, avail itself of the possibility which exists for such missions to make purchases in the Free Port of Copenhagen.

(d) With respect to permission to sell or dispose of vehicles imported free of customs and excise duties in the open market under section 22 (2)(e) less than two years after importation, the officials of the Organization will be accorded treatment no less favourable than that accorded to diplomatic and consular officials in Denmark, and the Government will give sympathetic consideration to requests by the Organization in cases where an official, for reasons outside his own control, has to leave Denmark.

I therefore propose that, if these understandings meet with your approval, this letter and your reply in similar terms shall be considered as confirming our understandings upon the matters set forth above.

(Signed) H. C. HANSEN
Minister for Foreign Affairs

II

REPLY FROM THE WORLD HEALTH ORGANIZATION TO THE DANISH GOVERNMENT, DATED 15 JULY 1955, REGARDING THE INTERPRETATION AND APPLICATION OF THE AGREEMENT

I am in receipt of your letter of 7 July 1955 in connexion with the signature of a Host Agreement between the Government of Denmark and the World Health Organization for the purpose of determining the privileges, immunities and facilities to be granted by the Government to the Organization, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the European Region, and of regulating other related matters, and by which you record your understandings regarding the following matters:

[See note 1]

I have the honour to concur in the proposals made in your letter and to inform you that the understandings set forth therein meet with the approval

of the World Health Organization. Your letter and the present letter, accordingly, are considered as confirming these understandings.

*For the Director-General of the
World Health Organization*

(Signed) Dr. P. DOROLLE

38. AGREEMENT BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF ARGENTINA AND THE PAN AMERICAN
SANITARY BUREAU REGARDING THE ESTABLISHMENT
OF A ZONE OFFICE IN THE CITY OF BUENOS AIRES,
21 AUGUST 1951 ¹

WHEREAS:

The fundamental purposes of the Pan American Sanitary Bureau are "to promote and coordinate efforts of the countries of the Western Hemisphere to combat disease, lengthen life, and promote the physical and mental health of the people";

For the purpose of fulfilling these objectives, it is desirable to establish a Zone Office in the Southern Region of South America;

The Government of Argentina has been consulted and has agreed to the establishment of such a Zone Office, offering the facilities that are afforded to international organizations;

By virtue of the provisions of the Pan American Sanitary Code, signed at Havana, Cuba, on 14 November 1924 and ratified by the Republic of Argentina and by the other American Republics, the Pan American Sanitary Bureau is the co-ordinating agency of international health activities in the Pan American Republics;

By virtue of the Agreement between the World Health Organization and the Pan American Sanitary Bureau, signed on 24 May 1949, the Bureau is also the Regional Office of the World Health Organization for the Western Hemisphere;

The Agreement between the Council of the Organization of American States and the Pan American Sanitary Organization recognized the status of the latter as an Inter-American Specialized Organization; and

It is desirable to conclude an agreement for the purpose of determining the conditions, facilities and privileges to be granted by the Government of the Republic of Argentina to the Pan American Sanitary Bureau, in connection with the establishment of the Zone Office in the city of Buenos Aires,

NOW THEREFORE

THE GOVERNMENT OF THE REPUBLIC OF ARGENTINA (hereinafter called the "Government"), represented by D. JERONIMO REMORINO, Minister of Foreign Affairs and Worship, of the one part,

and

THE PAN AMERICAN SANITARY BUREAU (hereinafter called the "Bureau"), represented by Dr. FRED L. SOPER, Director, of the other part,

¹ Text of Agreement provided by the World Health Organization.

HAVE AGREED as follows:

Section I

ESTABLISHMENT AND PURPOSE OF THE ZONE OFFICE

Article 1. The Government authorizes the Bureau to establish a Zone Office in the city of Buenos Aires, which shall serve as a regional center to promote, coordinate and develop the functions of the Pan American Sanitary Bureau as established in the Pan American Sanitary Code and by the Pan American Sanitary Conferences, and to coordinate the activities of the World Health Organization in the countries comprising the Southern Region of South America.

Article 2. The Zone Office shall be an integral part of the Pan American Sanitary Bureau and shall be entitled to the juridical status and the privileges and immunities specified herein as appertaining to the Bureau.

Section II

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

Article 3. The Bureau shall enjoy in the territory of the Republic of Argentina, to the extent compatible with the instrument that established it, the capacity to enter into contracts, to acquire and dispose of movable and immovable property, and to institute legal proceedings.

Article 4. The Bureau, its property, funds and other assets shall be:

(a) Exempt from all direct taxes; it is understood, however, that it may not claim exemption from charges which are, in fact, charges for public utility services;

(b) Exempt from customs duties and prohibitions and restrictions in respect of operating goods or articles that it imports or exports for its official use. It is understood, however, that any articles imported free of duty shall not be sold in the country, except under conditions agreed upon with the Government;

(c) Exempt from customs duties and prohibitions and restrictions in respect of the import or export of its official publications.

Article 5. Without being restricted by financial controls, regulations or moratoria of any kind,

(a) The Bureau may hold funds or currency of any kind and operate accounts in any currency;

(b) The Bureau shall be free to transfer its funds or currency within or outside the country, and to convert any currency held by it into any other currency.

In exercising these rights, the Bureau shall pay due regard to any representations made by the Government.

Article 6. The property and assets of the Bureau shall enjoy immunity from every form of legal process, except in so far as in any particular case the immunity has been expressly waived.

Article 7. The premises of the Bureau, its archives and documents shall be inviolable.

Article 8. The Bureau shall enjoy in Argentina for its official communications treatment as favorable as that accorded to diplomatic missions, in

the matter of priorities, rates and taxes on mail, cables, telegrams, radiograms, telephone and other communications.

Section III

REPRESENTATIVES AND STAFF

Article 9. The Director of the Bureau or his duly authorized representatives shall communicate to the Government the names of the representatives and international staff of the Bureau to whom the privileges mentioned in this Section and in Section IV shall apply in Argentina.

Article 10. The representatives of the Bureau and other members of the international staff in Argentina shall:

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

(b) Be exempt from taxation in respect to the salaries and emoluments paid to them by the Bureau;

(c) Be immune from national service of any kind, except in so far as the States of which they are nationals require such service;

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

(e) 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;

(f) Have the right to import free of duty their furniture, automobile and personal effects when taking up their post;

(g) Have the right to export free of duty their furniture and personal effects upon termination of their service in the Zone Office.

Article 11. The Bureau shall cooperate with the appropriate authorities of Argentina to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges and immunities mentioned in this Section.

Article 12. The Bureau shall make provision for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other questions of a private law character to which the Bureau is a party;

(b) Disputes involving any official or member of the staff of the Bureau with reference to which immunity is enjoyed, if immunity has not been waived by the Director in accordance with Article 13.

Section IV

NATURE OF THE PRIVILEGES AND IMMUNITIES

Article 13. Privileges and immunities are granted to officials and members of the staff of the Bureau exclusively in the interest of the Organization. Consequently, the Director shall waive the privileges and immunities of any official or staff member in any case in which, in his opinion, the privilege or immunity would impede the course of justice and can be waived without prejudice to the interests of the Bureau.

Article 14. Nothing in the present Agreement shall be construed to preclude the adoption of appropriate security precautions in the interest of the

Government, which shall be determined by agreement between the Government and the Director of the Bureau.

Article 15. The present Agreement shall enter into force provisionally when it is signed, being subject to subsequent legislative approval.

39. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF BRAZIL AND THE PAN AMERICAN SANITARY BUREAU REGARDING THE OPERATION OF THE REGIONAL OFFICE OF THE BUREAU IN RIO DE JANEIRO, 27 AUGUST 1951²

WHEREAS:

The fundamental purposes of the Pan American Sanitary Bureau are "to promote and coordinate efforts of the countries of the Western Hemisphere to combat disease, lengthen life, and promote the physical and mental health of the people";

For the purpose of fulfilling these objectives, it is desirable to maintain and expand the Regional Office that has been operating in Rio de Janeiro since June 1950, with the assent of the health authorities;

The Government of the United States of Brazil has been consulted and has agreed to grant to the said Regional Office the facilities that are afforded to international organizations;

By virtue of the provisions of the Pan American Sanitary Code, signed at Havana, Cuba, on 14 November 1924 and ratified by Brazil, the Pan American Sanitary Bureau is the coordinating agency of international health activities in the American Republics;

By virtue of the Agreement between the World Health Organization and the Pan American Sanitary Bureau, signed on 24 May 1949, the Bureau is the Regional Office of the World Health Organization for the Western Hemisphere; and

It is desirable to conclude an agreement for the purpose of determining the conditions, facilities and privileges to be granted by the Government of Brazil to the Pan American Sanitary Bureau, in connection with the operation of the Regional Office in the city of Rio de Janeiro,

NOW THEREFORE

THE GOVERNMENT OF THE UNITED STATES OF BRAZIL (hereinafter called "the Government"), represented by João Neves da Fontoura, Minister of State for Foreign Affairs, and Ernesto Simões Filho, Minister of State for Education and Health, of the one part,

and

THE PAN AMERICAN SANITARY BUREAU (hereinafter called the "Bureau"), represented by Dr. Fred L. Soper, Director, of the other part,

¹ Text of Agreement provided by the World Health Organization.

² Promulgated by Decree No. 36155 of 13 September 1954. Published in *Diario Oficial* of 15 September 1954.

HAVE AGREED as follows:

I

PURPOSE AND OPERATION OF THE REGIONAL OFFICE

Article 1. The Bureau is authorized to maintain the Regional Office in Rio de Janeiro, which shall continue to serve as a center to promote, coordinate and develop the functions established in the Pan American Sanitary Code and the activities of the World Health Organization in Brazilian territory and in neighboring countries that are within the sphere of operations established for the said Office.

Article 2. The Regional Office in Rio de Janeiro shall be an integral part of the Bureau and shall be entitled to the juridical status and the privileges and immunities specified herein as appertaining to the Bureau.

II

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

Article 3. The property and assets of the Bureau shall enjoy immunity from every form of legal process, except in so far as in any particular case the immunity has been expressly waived by the Director of the Bureau.

Article 4. The premises of the Regional Office, its archives and documents shall be inviolable.

Article 5. The Bureau, its assets and property in Brazil shall be:

(a) Exempt from all direct taxes; it is understood, however, that it may not claim exemption from charges which are, in fact, charges for public utility services;

(b) Exempt from customs duties and prohibitions and restrictions in respect of operating goods or articles that it must import or export for use in its technical and scientific activities. It is understood that any article imported free of duty shall not be sold in the country, except under conditions agreed upon with the Government;

(c) Exempt from customs duties and prohibitions and restrictions in respect of the import or export of its official publications; and

(d) The official correspondence of the Bureau shall be exempt from postal charges, in accordance with the laws of the country, international conventions and agreements to be reached with the appropriate authorities.

Article 6. The Bureau may acquire no form of immovable property in Brazil.

III

REPRESENTATIVES AND STAFF

Article 7. The Director of the Bureau or his duly authorized representative shall communicate to the Government the names of the officers and international staff to whom the privileges mentioned in this Chapter and in Chapter IV shall apply.

Article 8. The representatives and officers of the Bureau and the international personnel that work for the Bureau in Brazil shall:

(a) Be immune from legal process of any kind in respect of words spoken or written and all acts performed by them in the performance of their functions;

(b) Be exempt from taxation in respect to the salaries and emoluments paid to them by the Bureau;

(c) Have the right to import free of duty their furniture and household goods, their personal baggage and that of their family.

Article 9. Any of the personnel referred to in the preceding Article who are of Brazilian nationality shall not be entitled to the immunities and exemptions set forth in that Article.

Article 10. The Bureau shall make provision for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other questions of a private law character to which the Bureau is a party;

(b) Disputes involving any officer or member of the Bureau who enjoys immunity, if immunity has not been waived by the Director in accordance with Article 11.

IV

NATURE OF THE PRIVILEGES AND IMMUNITIES

Article 11. Privileges and immunities are granted to officers and members of the staff of the Bureau exclusively in the interest of the Bureau, and the Director shall waive the privileges and immunities of his representatives or any staff member in any case in which the privilege or immunity would impede the course of justice and can be waived without prejudice to the interests of the Bureau.

V

DURATION, MODIFICATION, AND TERMINATION

Article 12. The present Agreement may be revised at the request of either party. In this event, the parties shall consult each other concerning the modifications to be made. If the negotiations do not result in an understanding within one year, the present Agreement may be rescinded or denounced by either party giving one year's notice, at the end of which period it shall become void.

Article 13. The present Agreement shall enter into force on the date on which the Government notifies the Bureau of its final approval, after the constitutional formalities in force in Brazil have been fulfilled.

40. AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF MEXICO AND THE PAN AMERICAN SANITARY BUREAU REGARDING THE ESTABLISHMENT OF A ZONE OFFICE IN MEXICO CITY AND THE PRIVILEGES AND IMMUNITIES NECESSARY FOR ITS OPERATION, 26 AUGUST 1952^{1 2}

WHEREAS:

The fundamental purposes of the Pan American Sanitary Bureau are "to promote and coordinate efforts of the countries of the Western Hemi-

¹ Text of Agreement provided by the World Health Organization.

² Came into force on 26 August 1956, as from the date of signature, in accordance with article VIII, section 18.

sphere to combat disease, lengthen life, and promote the physical and mental health of the people.”

For the purpose of fulfilling these objectives, it is desirable to establish a Zone Office in the territory of Mexico the activities of which will also extend to other countries of the Region;

The Government of Mexico has been consulted and has agreed to the establishment of such a Zone Office, offering the facilities that are afforded to international organizations;

By virtue of the provisions of the Pan American Sanitary Code, signed at Havana, Cuba, on 14 November 1924, and ratified by the United States of Mexico and by other American Republics, the Pan American Sanitary Bureau is the coordinating agency of international health activities in the American Republics;

By virtue of the Agreement between the World Health Organization and the Pan American Sanitary Bureau, signed on 24 May 1949, the Bureau is also the Regional Office of the World Health Organization for the Western Hemisphere;

The Agreement between the Council of the Organization of American States and the Pan American Sanitary Organization recognized the status of the latter as an Inter-American Specialized Organization; and

It is desirable to conclude an Agreement for the purpose of determining the conditions, facilities and privileges to be granted by the Government of the United States of Mexico to the Pan American Sanitary Bureau, in connection with the establishment of the Zone Office in Mexico City:

NOW THEREFORE

THE GOVERNMENT OF THE UNITED STATES OF MEXICO (hereinafter called the “ Government ”) represented by Mr. Alfonso Guerra, Under Secretary Of Foreign Affairs, of the one part,

and

THE PAN AMERICAN SANITARY BUREAU (hereinafter called the “ Bureau ”) represented by Dr. Marcolino G. Candau, Acting Director, of the other part,

HAVE AGREED as follows:

Article I

ESTABLISHMENT AND PURPOSES OF THE ZONE OFFICE

Section 1. The Government authorizes the Bureau to establish a Zone Office in Mexico City which shall serve to promote, coordinate and develop the functions of the Pan American Sanitary Bureau as established in the Pan American Sanitary Code and by the Pan American Sanitary Conferences, and to coordinate the activities of the World Health Organization in the territory of Mexico and other countries comprising the Region.

Section 2. The Zone Office shall be an integral part of the Pan American Sanitary Bureau and shall be entitled to the juridical status and the privileges and immunities specified in the present Agreement.

Article II

LEGAL CAPACITY

Section 3. The Bureau shall enjoy legal rights in the territory of Mexico and shall have the capacity: (a) to enter into contracts, (b) to freely acquire

and dispose of movable property, and (c) to institute legal and administrative procedures.

Article III

FREEDOM OF ACTION

Section 4. The Bureau shall enjoy in Mexico the independence and freedom of action granted to international organizations, in keeping with international custom.

Article IV

PROPERTY AND ASSETS

Section 5. In Mexico the Bureau, its properties and assets shall be exempt from legal and administrative procedures, except in those particular cases in which the Director of the Bureau or his duly authorized representative expressly waive this immunity.

Section 6. The premises of the Bureau, its archives and documents shall be inviolable.

Section 7. The Bureau, its property and assets shall be: (a) exempt from all direct or indirect taxes; it is understood, however, that it may not claim exemption from charges which are, in fact, charges for public utility services; (b) exemption from customs duties and prohibitions and restrictions in respect of operating goods, medical supplies and articles that it imports or exports for its official use. It is understood, however, that the articles imported free of duty will not be sold except under conditions agreed upon with the Government. The exceptions to the free of duty importations are understood to be such articles as firearms, for example, that are subject to special regulations for entry into Mexico. Each case regarding such imported articles shall be decided upon separately, and (c) exempt from customs duties, prohibitions and restrictions in respect of the import or export of its official publications.

Section 8. Without being restricted by financial controls, regulations or moratoria of any kind, (a) the Bureau may hold funds or currency of any kind and operate accounts in any currency, and (b) the Bureau shall be free to transfer its funds within or outside Mexico and to convert any currency held by it into any other currency.

Section 9. In exercising the rights conferred in Section 8, the Bureau shall pay due regard to any representations made by the Government.

Article V

COMMUNICATIONS FACILITIES

Section 10. The Bureau shall enjoy in Mexico for its official communications treatment no less favorable than that accorded by the Government to any other Government including its diplomatic missions, in the matter of priorities, rates and taxes on mail, cablegrams, telegrams, radiograms, telephones, and other communications.

Section 11. The Bureau shall be entitled to dispatch and receive correspondence by messengers or sealed pouches.

Article VI

REPRESENTATIVES AND STAFF OF THE BUREAU

Section 12. The representatives of the Bureau and its staff who are not of Mexican nationality shall:

- (a) Be immune from legal process of any kind in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) Be exempt from taxation in respect to the salaries and emoluments paid to them by the Bureau;
- (c) Be immune from any national compulsory service;
- (d) Receive for themselves, their wives and dependants all the facilities compatible with the law as regards immigration;
- (e) Be granted the same privileges in respect of exchange as are accorded to members of the diplomatic corps;
- (f) Have the right to import, export, free of duty their furniture and personal effects. The Representative of the Bureau will be granted for one single time the privilege of importing into the country, free of duty, an automobile for his personal use. The rest of the Bureau staff will be permitted the temporary entry of their respective vehicles, valid for the duration of their stay in the country while on official duty.

Section 13. The Director of the Bureau or his duly authorized representative shall advise the Government of the names of those members of personnel and other international staff of the Bureau, to whom the privileges enumerated in Section 12 are to be extended.

Section 14. Privileges and Immunities are granted to the representative and international personnel of the Bureau exclusively in the interest of the Bureau. Consequently, the Director or his duly authorized representative to this end shall waive the privileges and immunities of any official or international staff member in any case in which, in his opinion, the privilege or immunity would impede the course of justice and it can be waived without prejudice to the interests of the Bureau.

Article VII

COOPERATION AND SETTLING OF DISPUTES

Section 15. The Bureau shall cooperate with the appropriate authorities of the country to facilitate the proper administration of justice, to secure the observance of police regulations and prevent the occurrence of any abuse of the privileges and immunities granted in this Agreement.

Section 16. The Bureau shall make provision for appropriate modes of settlement of: (a) disputes arising out of contracts or other questions of a private law character to which the Bureau is a party; and (b) disputes involving any official or member of the staff of the Bureau with reference to which immunity is enjoyed, if immunity has not been waived by the Director in accordance with Section 14.

Article VIII

FINAL PROVISIONS

Section 17. No provision of this Agreement shall be construed to preclude the adoption of appropriate security measures in the interests of the Government.

Section 18. This Agreement shall come into force on the date of signature.

Section 19. This Agreement may be modified by mutual consent between the Government and the Bureau.

Section 20. This Agreement may be terminated by either party upon written notice to the other and shall terminate one year after receipt of such notice.

41. AGREEMENT BETWEEN THE GOVERNMENT OF PERU
AND THE PAN AMERICAN SANITARY ORGANIZATION,
13 AUGUST 1957¹

THE GOVERNMENT OF THE REPUBLIC OF PERU, of the one part, and
THE PAN AMERICAN SANITARY ORGANIZATION, of the other,

Desiring to conclude an Agreement for the purpose of determining the privileges, immunities, and exemptions to be granted by the Government of the Republic of Peru to the Pan American Sanitary Organization, to the representatives of its Members, and to its experts and officials, in particular with regard to its arrangements and preparations in Zone IV, and of regulating other matters related to this Zone,

HAVE AGREED AS FOLLOWS:

Article I

DEFINITIONS

Section 1

In the present Agreement:

(i) The word "Organization" shall mean the Pan American Sanitary Organization, which serves also as the Regional Organization of the World Health Organization for the Americas;

(ii) For the purpose of Article IV, the words "property and assets", "funds, notes, coins, securities, gold or currency", or "assets, income, and other property" shall be deemed to include property, assets, and funds administered by the Organization under its Constitution and/or in furtherance of its constitutional functions;

(iii) The words "representatives of Members" shall be deemed to include all delegates to the Pan American Sanitary Conference; all persons designated by Members to serve on the Directing Council and the Executive Committee of the Pan American Sanitary Organization; as well as all delegates, alternates, advisers, technical experts who are members of delegations, and secretaries of delegations;

(iv) The word "Members" shall be deemed to include the States Members of the Pan American Sanitary Organization and any territory or group of territories which, without being a Member, is represented and participating in the Conference, in the Directing Council, or in the Executive Committee, in accordance with Article 2 of the Constitution;

(v) The words "principal or subsidiary organs" shall be deemed to include the Pan American Sanitary Conference, the Directing Council, the Executive Committee, the Pan American Sanitary Bureau, and any of the sub-divisions of all these organs in Peru;

¹ Text of Agreement provided by the World Health Organization. Entered into force on 4 March 1958.

(vi) For the purposes of Sections 4, 6, 16, and 17, the words "freedom of meeting" or "meeting of the Organization" shall be deemed to include all meetings of the principal or subsidiary organs of the Organization as well as all conferences or meetings convened by, or under the authority or auspices of, the Organization in Peru.

Article II

JURIDICAL PERSONALITY

Section 2

The Organization shall possess juridical personality and legal capacity and, in particular, capacity

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

Article III

FREEDOM OF ACTION

Section 3

The Organization and its principal or subsidiary organs shall have in Peru the independence and freedom of action belonging to an international organization.

Section 4

The Organization, its principal or subsidiary organs, as well as its Members and the representatives of Members in their relations with the Organization, shall enjoy in Peru absolute freedom of meeting, including freedom of discussion and decision; the Organization will notify the Government of Peru, in advance, of any meeting it will hold in Peru.

Article IV

PROPERTY, FUNDS, AND ASSETS

Section 5

The Organization and its property and assets located in Peru shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity is expressly waived by the Director of the Bureau. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 6

(1) The premises of the Organization in Peru or any premises in Peru occupied by the Organization in connection with a meeting of the Organization shall be inviolable.

(2) The premises and the property and assets of the Organization shall enjoy the immunities and privileges accorded to the property and assets of foreign States.

Section 7

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

Section 8

(1) Without being restricted by financial controls, regulations, or moratoria of any kind, the Organization may:

(a) Receive and hold funds, notes, coins, gold, currency, and securities of any kind and operate accounts in any currency;

(b) Be free to transfer its funds, notes, coins, gold, currency, or securities to or from Peru or within Peru and to convert any currency held by it into any other currency.

(2) This section shall apply also to Members of the Organization in their relations with the Organization.

Section 9

The Organization shall, in exercising its rights under Section 6, pay due regard to any representations made by the Government, in so far as it is considered that effect can be given to such representations without detriment to the interests of the Organization.

Section 10

The Organization, its assets, income, and other property shall be:

(a) Exempt from the payment of all taxes; it is understood, however, that the Organization will not claim exemption from taxes or excise taxes which are, in fact, no more than charges for public utility services;

(b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of medical supplies or any other goods or articles required by the Organization for official use. It is understood, however, that such medical supplies, goods, or articles imported by the Organization under such exemption will not be sold in Peruvian territory except under conditions mutually agreed with the Government of Peru;

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

Article V

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 11

The Organization shall enjoy in Peru for its official communications treatment not less favorable than that accorded by the Government of Peru to any other government, including its diplomatic missions, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone, and other communications, and press rates for information to the press and radio, on the condition that such treatment is not incompatible with the terms of international conventions.

Section 12

(1) No censorship shall be applied to the official correspondence and other official communications of the Organization.

(2) The Organization shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article VI

REPRESENTATIVES OF MEMBERS

Section 13

Representatives of Members of the Organization on its principal or subsidiary organs and at conferences or meetings convened by the Organization shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;

(b) Inviolability for all papers and documents;

(c) The right to use codes and to dispatch or receive papers and correspondence by courier or in sealed bags;

(d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or military service obligations in Peru;

(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 in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Section 14

In order to secure for the representatives of Members of the Organization complete freedom of speech at the Organization's meetings and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in the discharge of their duties shall continue to be accorded notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 15

If the incidence of any form of taxation depends upon residence in Peru, periods during which the representatives of Members of the Organization are present at a meeting of the Organization in Peru for the discharge of their duties shall not be considered as periods of residence.

Section 16

Privileges and immunities are accorded to the representatives of Members of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Organization. Consequently, a Member not only has the right, but is under a duty, to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Article VII

EXPERTS ON MISSIONS FOR THE ORGANIZATION

Section 17

Experts and consultants other than those who under Section 1 (iii) or as officials come within the scope of Articles VI and VIII, respectively, and

who perform missions for the Organization shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular, they shall be accorded:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage and, in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind.

This immunity from legal process in respect of words spoken or written or acts done by them in the performance of their mission shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Organization;

(b) Inviolability for all papers and documents;

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

(d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration, or military service obligations in Peru;

(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 in respect of their personal baggage as are accorded to members of diplomatic missions.

Section 18

Privileges and immunities are granted to experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director of the Bureau shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Article VIII

OFFICIALS

Section 19

The Director of the Bureau or the Zone Representative shall from time to time communicate to the Government of Peru the names of those officials to whom the provisions of this article and of Article IX shall apply.

Section 20

(1) Officials of the Organization, irrespective of nationality, shall:

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

(b) Be exempt from taxation in respect of the salaries and emoluments paid to them by the Organization.

(2) Moreover, those who are not of Peruvian nationality shall:

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

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

(c) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;

(d) Be entitled to the customs exemptions granted under Title X, Supreme Decree No. 69 of 18 February 1954, on privileges accorded by the Government of Peru, it being understood that the experts and officials of the Organization shall be entitled to the rights stipulated in Article 73.

Section 21

(1) The officials of the Organization shall be exempt from the military service obligations in force in Peru, with the express provision that such exemption shall not apply in the case of officials of Peruvian nationality.

(2) Should other officials of the Organization be called up for military service, the Government of Peru shall, at the request of the Director of the Bureau or the Zone Representative, grant such deferments in the call-up of such officials as may be necessary to avoid serious dislocation in the continuation of essential work.

Section 22

Local Peruvian officials recruited by the Organization to fill posts within the Organization shall be subject exclusively to the Organization's staff rules.

Section 23

Privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director of the Bureau shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Section 24

The Organization shall cooperate at all times with the appropriate authorities of the Government of Peru to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuses in connection with the privileges, immunities, and facilities mentioned in this article.

Article IX

VISAS, PERMITS OF RESIDENCE, AND UNITED NATIONS LAISSEZ-PASSER

Section 25

(1) The Government of Peru shall take all measures required to facilitate the entry into, residence in, and departure from the country of all persons having official business with the Organization, i.e.:

(a) Representatives of Members, whatever may be the relations between Peru and the respective countries;

(b) Experts and consultants on missions for the Organization, irrespective of nationality;

(c) Officials of the Organization;

¹ For this Decree, see the previous volume of this *Series* (ST/LEG/SER.B/10), under Peru.

(d) Other persons, irrespective of nationality, summoned by the Organization.

(2) Any police regulation calculated to restrict the entry of aliens into Peru or to regulate the conditions of their residence shall not apply to the persons provided for in this section.

(3) The Government of Peru shall issue to its embassies, legations, and consulates abroad general instructions in advance to grant visas to any applicant on presentation of a valid identity and travel document and of a document establishing his official relationship to the Organization, without any delay or waiting period and without requiring his personal attendance or the payment of any charges.

(4) The provisions of this section shall apply to the spouse and dependants of the person concerned if they live with him and do not exercise an independent profession or calling.

Section 26

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

Section 27

The Director, the Assistant Director, the Secretary, the Chiefs of Divisions, and the Zone IV Representative of the Organization, while travelling on its official business, shall be granted the same facilities as are accorded to diplomatic envoys.

Article X

SECURITY OF THE GOVERNMENT OF PERU

Section 28

Nothing in the present Agreement shall be construed to preclude the adoption of the security precautions which the Government of Peru may deem it appropriate to take and which shall be determined by mutual agreement between the Government and the Director of the Bureau.

Article XI

SETTLEMENT OF DISPUTES

Section 29

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

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

(b) Disputes involving any official of the Organization who, by reason of his official position, enjoys immunity, if immunity has not been waived by the Director of the Bureau in accordance with the provisions of Section 23.

Article XII

FINAL PROVISIONS

Section 30

The present Agreement shall enter into force upon an exchange of notes between the Government of Peru and the Director of the Bureau stating respectively their approval thereof.

Section 31

This Agreement may be revised at the request of either of the parties hereto, after consultation between both parties concerning the modifications to be made in the provisions. If the negotiations do not result in an understanding within one year, the present Agreement may be denounced by either party giving two years' notice. Notice of denunciation to the Government of Peru may be given to the representative of that Government in the Organization, and notice to the Organization may be given to the Director of the Bureau.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Agreement in three copies at Lima on the thirteenth day of August, 1957.

FOR THE PAN AMERICAN SANITARY
ORGANIZATION

(sgd.) Fred L. SOPER

FOR THE GOVERNMENT OF THE
REPUBLIC OF PERU

(sgd.) Manuel CISNEROS SÁNCHEZ

Note: A similar agreement was concluded with Guatemala on 29 September 1958. Differences occurred in the following provisions:

Section 18. (Corresponding to section 20 of the Agreement concluded with Peru)

(1) Officials of the Organization, irrespective of nationality, shall:

. . . .

(2) Moreover, those who are not of Guatemalian nationality shall:

. . . .

(d) Enjoy the customs exemptions accorded to them by the Government of the Republic in their capacity of representatives or officials of international bodies (personal effects, household equipment, furniture and automobiles on first entry, and, to the Representative of Zone III, diplomatic exemption).

(e) With reference to automobiles used in the performance of their duties, the officials or representatives of the Organization shall be entitled to replace them every three years.

Section 21. (Corresponding to section 24 of Agreement concluded with Peru) (The following paragraph was added:)

. . . .

It shall be understood that in the process of co-operation referred to in the preceding paragraph, the Bureau of the Organization in Guatemala shall facilitate, by all legal means within its power, the execution of measures explicitly ordered and decreed by the courts regarding the obligations which the officials and employees of the Organization residing in Guatemala may have contracted and have an obligation to fulfil.

Section 25. (Corresponding to section 28 of Agreement concluded with Peru)

. . . .

None of the provisions of the present Agreement shall prevent the adoption of any security measures which the Government of Guatemala may deem proper to take.

MINISTRY OF FOREIGN AFFAIRS

Number: (M).-7-4-E/1

Lima, 4 March 1958

Sir,

I take pleasure in acknowledging receipt of your communication of 2 October of last year, in which you inform this Ministry of your Organization's approval of the Agreement concluded on 13 August 1957 between the Government of Peru and the Pan American Sanitary Bureau.

By means of this letter, I am pleased to inform you that the Government of Peru has also approved the aforesaid Agreement, which it will consider in effect as of this date.

Very truly yours,

(sgd.)

Victor Andrés BELAÚNDE

Minister of Foreign Affairs

Dr. Fred L. Soper, Director
Pan American Sanitary Bureau
Washington, D. C.
U.S.A.

18 March 1958

Dear Mr. Minister,

I acknowledge receipt of your letter No. (M).-7-4-E/1 of 4 March 1958 informing me that the Government of Peru has approved the Agreement concluded with the Pan American Sanitary Organization on 13 August 1957, which it considers in effect beginning 4 March 1958.

The purpose of this letter is to express my conformity with the aforesaid date.

Very truly yours,

(sgd.)

Fred L. SOPER

Director

Doctor Victor Andrés Belaúnde
Minister of Foreign Affairs
Ministry of Foreign Affairs
Lima, Peru

42. CONVENTION¹ OF THE WORLD METEOROLOGICAL ORGANIZATION. SIGNED AT WASHINGTON, ON 11 OCTOBER 1947²

PART XIV

LEGAL STATUS, PRIVILEGES AND IMMUNITIES

Article 27

(a) The Organization shall enjoy in the territory of each Member such legal capacity as may be necessary for the fulfilment of its purposes and for the exercise of its functions.

¹ United Nations, *Treaty Series*, vol. 77, p. 144.

² States which are parties (Information reproduced from: *Treaties in force, A List of Treaties and other International Agreements of the United States in force on January 1, 1960*, U.S. Government Printing Office, Washington 25, D.C., p. 235):

(b) (i) The Organization shall enjoy in the territory of each Member to which the present Convention applies such privileges and immunities as may be necessary for the fulfilment of its purposes and for the exercise of its functions.

(b) (ii) Representatives of Members and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

(c) Such legal capacity, privileges, and immunities shall be defined in a separate agreement to be prepared by the Organization in consultation with the Secretary-General of the United Nations and concluded between the Members which are States.

Afghanistan, Albania, Angola (Portuguese West Africa), Argentina, Australia (including Papua, Norfolk Island, and Trust Territories of New Guinea and Nauru), Austria, Belgian Congo, Belgium (including Ruanda-Urundi), Bolivia, Brazil, British Caribbean Territories (Bahamas, Barbados, British Guiana, British Honduras, Jamaica (including Turks and Caicos Islands), Leeward Islands (Antigua, Montserrat, St. Christopher and Nevis, Virgin Islands), Trinidad and Tobago, Windward Islands (Dominica, Grenada, St. Lucia, St. Vincent), British East African Territories (including the Seychelles, Kenya (Colony and Protectorate), Uganda Protectorate, Trust Territory of Tanganyika, Zanzibar Protectorate), British West African Territories (Nigeria (Colony and Protectorate), Cameroons under United Kingdom trusteeship), Sierra Leone, Gambia), Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroons under French trusteeship, Canada, Ceylon, Chile, China, Cuba, Czechoslovakia, Denmark (including Greenland), Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, France (including Algeria, French Guiana, French West Indies, Réunion, St. Pierre and Miquelon, Valleys of Andorra, Condominium of New Hebrides), French Equatorial Africa, French Oceanic Colonies, French Somaliland, French Togoland, French West Africa, Germany (Fed. Rep. (applicable to Land Berlin)), Ghana, Greece, Guatemala, Guinea, Haiti, Hong Kong, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Rep. of), Laos, Lebanon, Libya, Luxembourg, Madagascar, Mauritius, Mexico, Moçambique (Portuguese East Africa), Morocco, Netherlands, Netherlands Antilles (Curaçao), New Caledonia, New Guinea (Netherlands Indies), New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal (including Azores Archipelago, Madeira Islands, Cape Verde Islands, Portuguese Guinea, Islands of S. Tomé and Príncipe, and Fortress of S. Joao Baptista de Ajudá, Portuguese India, Maçao, Portuguese Timor), Rhodesia and Nyasaland (Fed. of), Romania, Saudi Arabia, Singapore and the British Territories in Borneo, Spain (including Spanish West Africa, Valleys of Andorra), Spanish Guinea, Sudan, Surinam, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa (including South-West Africa), Union of Soviet Socialist Republics, United Arab Republic, United Kingdom (including British Somaliland Protectorate, Aden (Colony and Protectorate), Basutoland, Bechuanaland Protectorate, British Solomon Islands Protectorate, Falkland Islands and Dependencies, Fiji, Gibraltar, Gilbert and Ellice Islands, Malta, Swaziland, Condominium of New Hebrides), United States, Uruguay, Venezuela Viet-Nam (Rep. of), Yugoslavia.

43. ACCORD ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L'ORGANISATION MÉTÉOROLOGIQUE MONDIALE POUR RÉGLER LE STATUT JURIDIQUE DE CETTE ORGANISATION EN SUISSE. SIGNÉ A GENÈVE, LE 10 MARS 1955 ¹

LE CONSEIL FÉDÉRAL SUISSE,
d'une part,

L'ORGANISATION MÉTÉOROLOGIQUE MONDIALE,
d'autre part,

Désireux de conclure un accord en vue de régler en Suisse le statut juridique de l'Organisation météorologique mondiale, sont convenus des dispositions suivantes :

Article premier

LIBERTÉ D'ACTION DE L'OMM

Le Conseil fédéral suisse garantit à l'Organisation météorologique mondiale l'indépendance et la liberté d'action qui lui appartiennent en sa qualité d'institution internationale.

Article 2

PERSONNALITÉ DE L'OMM

Le Conseil fédéral suisse reconnaît la personnalité internationale et la capacité juridique en Suisse de l'Organisation météorologique mondiale.

Article 3

IMMUNITÉS DE L'OMM

L'Organisation météorologique mondiale est au bénéfice de l'ensemble des immunités reconnues à l'Office européen des Nations Unies. Les privilèges et facilités en matière de douane sont accordés conformément au règlement douanier du Conseil fédéral applicable aux organisations internationales.

Article 4

EXTERRITORIALITÉ DES TERRAINS ET LOCAUX

Le Conseil fédéral suisse reconnaît notamment l'exterritorialité des terrains et locaux de l'Organisation météorologique mondiale et de tous locaux occupés par elle à l'occasion de ses assemblées et de toute autre réunion convoquée en Suisse par elle.

Article 5

LIBERTÉ DE RÉUNION

Le Conseil fédéral suisse reconnaît à l'Organisation météorologique mondiale et à ses membres, dans leurs rapports avec elle, une liberté de réunion absolue comportant la liberté de discussion et de décision.

¹ Nations Unies, *Recueil des Traités*, vol. 211, p. 278. Entré en vigueur le 10 mars 1955, avec effet rétroactif au 20 décembre 1951, conformément à l'article 27.

*Article 6*IMMUNITÉ DE JURIDICTION ET IMMUNITÉ À L'ÉGARD D'AUTRES
MESURES

1. L'Organisation météorologique mondiale bénéficie, pour elle-même, ses propriétés et ses biens, quel que soit le lieu où ils se trouvent ou la personne qui les détient, de l'immunité à l'égard de toute forme d'action judiciaire, sauf dans la mesure où cette immunité a été formellement levée par le Secrétaire général de l'Organisation météorologique mondiale ou son représentant régulièrement autorisé.

2. Les propriétés et biens de l'Organisation météorologique mondiale, quel que soit le lieu où ils se trouvent ou la personne qui les détient, sont au bénéfice de l'immunité à l'égard de toute mesure de perquisition, réquisition, confiscation, expropriation et de toute autre forme de saisie ou d'ingérence de toute autorité publique de quelque nature que ce soit.

Article 7

INVIOUABILITÉ DES TERRAINS ET LOCAUX

Les terrains et locaux de l'Organisation météorologique mondiale sont inviolables. Nul agent de l'autorité publique suisse ne peut y pénétrer sans le consentement exprès de l'Organisation météorologique mondiale.

Article 8

INVIOUABILITÉ DES ARCHIVES

Les archives de l'Organisation météorologique mondiale et, en général, tous les documents qui lui appartiennent ou se trouvent en sa possession, sont inviolables.

Article 9

PUBLICATIONS

Les publications de l'Organisation météorologique mondiale ne sont pas soumises aux interdictions ou restrictions d'importation et d'exportation de nature économique ou financière.

Article 10

RÉGIME FISCAL DE L'OMM

L'Organisation météorologique mondiale est exonérée des impôts directs et indirects, fédéraux, cantonaux et communaux, sur les immeubles dont elle est propriétaire ou locataire et qui sont occupés par ses services, de même que sur ses biens mobiliers, étant entendu qu'elle ne sollicite pas l'exemption de taxes auxquelles correspond une prestation de l'autorité publique.

Article 11

LIBRE DISPOSITION DES FONDS

1. L'Organisation météorologique mondiale peut recevoir et détenir tous fonds quelconques, toutes devises, numéraires et autres valeurs mobilières,

et en disposer librement tant à l'intérieur de la Suisse que dans ses relations avec l'étranger.

2. Le présent article est applicable aux Etats membres dans leurs relations avec l'Organisation météorologique mondiale.

Article 12

COMMUNICATIONS OFFICIELLES

L'Organisation météorologique mondiale bénéficie, dans ses communications officielles, d'un traitement au moins aussi favorable que celui qui est assuré à l'Office européen des Nations Unies.

Article 13

EXEMPTION DE CENSURE

Aucune censure ne peut être exercée à l'égard des communications officielles dûment authentifiées de l'Organisation météorologique mondiale, quelle que soit la voie de communication employée.

Article 14

LIBERTÉ D'ACCÈS ET DE SÉJOUR

1. Les autorités suisses prendront toutes mesures utiles pour faciliter l'entrée sur le territoire suisse, la sortie de ce territoire et le séjour à toutes les personnes appelées, en qualité officielle, auprès de l'Organisation météorologique mondiale, soit:

- a) Les représentants des Membres, quels que soient les rapports existant entre la Suisse et ces Etats;
- b) Les membres du Comité Exécutif de l'Organisation météorologique mondiale, quelle que soit leur nationalité;
- c) Les agents et les fonctionnaires non suisses de l'Organisation météorologique mondiale;
- d) Les personnes, quelle que soit leur nationalité, appelées par l'Organisation météorologique mondiale.

2. Toutes mesures concernant la police des étrangers et visant à restreindre l'entrée en Suisse des étrangers ou à contrôler les conditions de leur séjour seront sans application à l'égard des personnes visées au présent article.

Article 15

IMMUNITÉS DES REPRÉSENTANTS DES MEMBRES ET DU COMITÉ
EXÉCUTIF

Les représentants des Membres de l'Organisation météorologique mondiale et les membres de son Comité Exécutif appelés en Suisse par leurs fonctions y jouissent des mêmes privilèges et immunités que ceux qui sont accordés aux représentants des Membres de l'Organisation des Nations Unies. Les privilèges et facilités en matière de douane sont accordés conformément au règlement douanier du Conseil fédéral applicable aux organisations internationales.

*Article 16*IMMUNITÉS DIPLOMATIQUES DU SECRÉTAIRE GÉNÉRAL ET
DE CERTAINS FONCTIONNAIRES

Le Secrétaire général de l'Organisation météorologique mondiale et les hauts fonctionnaires des catégories désignées par lui et agréées par le Conseil fédéral suisse jouissent des privilèges, immunités, exemptions et facilités reconnus aux agents diplomatiques conformément au droit des gens et aux usages internationaux. Les privilèges et facilités en matière de douane sont accordés conformément au règlement douanier du Conseil fédéral applicable aux organisations internationales.

Article 17

IMMUNITÉS ET FACILITÉS ACCORDÉES À TOUS LES FONCTIONNAIRES

Tous les fonctionnaires de l'Organisation météorologique mondiale, quelle que soit leur nationalité, sont au bénéfice des immunités et facilités suivantes :

- a) Exemption de toute juridiction pour les actes accomplis dans l'exercice de leurs fonctions ;
- b) Exonération de tous impôts fédéraux, cantonaux et communaux sur les traitements, émoluments et indemnités qui leur sont versés par l'Organisation météorologique mondiale.

*Article 18*EXEMPTION ET FACILITÉS ACCORDÉES AUX FONCTIONNAIRES
NON SUISSES

Les fonctionnaires de l'Organisation météorologique mondiale qui n'ont pas la nationalité suisse bénéficient des exemptions et facilités énumérées dans l'arrangement d'exécution du présent accord. Les privilèges et facilités en matière de douane sont accordés conformément au règlement douanier du Conseil fédéral applicable aux organisations internationales.

Article 19

CAISSE DES PENSIONS, ETC.

1. Toute caisse des pensions ou institutions de prévoyance exerçant officiellement son activité en faveur des fonctionnaires de l'Organisation météorologique mondiale aura la capacité juridique en Suisse si elle en exprime le désir et bénéficiera, dans la mesure de son activité en faveur desdits fonctionnaires, des mêmes exemptions, immunités et privilèges que l'Organisation elle-même.

2. Les fonds et fondations, doués ou non d'une personnalité juridique propre, gérés sous les auspices de l'Organisation météorologique mondiale et affectés à ses buts officiels, sont mis au bénéfice des mêmes exemptions, immunités et privilèges que l'Organisation elle-même, en ce qui concerne leurs biens mobiliers.

Article 20

OBJET DES IMMUNITÉS

1. Les immunités prévues par le présent accord ne sont pas établies en vue d'accorder aux fonctionnaires de l'Organisation météorologique mon-

diale des avantages et des commodités personnels. Elles sont instituées uniquement afin d'assurer, en toute circonstance, le libre fonctionnement de l'Organisation météorologique mondiale et la complète indépendance de ses agents.

LEVÉE DES IMMUNITÉS

2. Le Secrétaire général de l'Organisation météorologique mondiale a le droit et le devoir de lever l'immunité d'un fonctionnaire lorsqu'il estime que cette immunité empêche le jeu normal de la justice et qu'il est possible d'y renoncer sans porter atteinte aux intérêts de l'Organisation météorologique mondiale.

Article 21

PRÉVENTION DES ABUS

L'Organisation météorologique mondiale coopérera en tout temps avec les autorités suisses en vue de faciliter une bonne administration de la justice, d'assurer l'observation des règlements de police et d'empêcher tout abus des privilèges, immunités et facilités prévus par le présent accord.

Article 22

DIFFÉREND D'ORDRE PRIVÉ

L'Organisation météorologique mondiale prendra des dispositions appropriées en vue du règlement satisfaisant :

- a) De différends résultant de contrats auxquels l'Organisation météorologique mondiale serait partie et d'autres différends portant sur un point de droit privé;
- b) De différends dans lesquels serait impliqué un fonctionnaire de l'Organisation météorologique mondiale qui jouit, du fait de sa situation officielle, de l'immunité, si cette immunité n'a pas été levée par le Secrétaire général.

Article 23

NON-RESPONSABILITÉ DE LA SUISSE

La Suisse n'encourt, du fait de l'activité de l'Organisation météorologique mondiale sur son territoire, aucune responsabilité internationale quelconque pour les actes et omissions de l'Organisation ou pour ceux de ses agents agissant ou s'abstenant dans le cadre de leurs fonctions.

Article 24

SÉCURITÉ DE LA SUISSE

1. Rien dans le présent accord n'affecte le droit du Conseil fédéral suisse de prendre les précautions utiles dans l'intérêt de la sécurité de la Suisse.
2. Au cas où il estimerait nécessaire d'appliquer le premier paragraphe du présent article, le Conseil fédéral suisse se mettra, aussi rapidement que les circonstances le permettront, en rapport avec l'Organisation météorologique mondiale en vue d'arrêter, d'un commun accord, les mesures nécessaires pour protéger les intérêts de l'Organisation.
3. L'Organisation météorologique mondiale collaborera avec les autorités suisses en vue d'éviter tout préjudice à la sécurité de la Suisse du fait de son activité.

Article 25

EXÉCUTION DE L'ACCORD PAR LA SUISSE

Le Département politique fédéral est chargé de l'exécution, par la Confédération suisse, du présent accord et de son arrangement d'exécution.

Article 26

JURIDICTION

1. Toute divergence de vues concernant l'application ou l'interprétation du présent accord ou de son arrangement d'exécution qui n'aurait pas pu être réglée par des pourparlers directs entre les parties pourra être soumise, par l'une ou l'autre partie, à l'appréciation d'un tribunal composé de trois membres qui sera constitué dès l'entrée en vigueur du présent accord.

2. Le Conseil fédéral suisse et l'Organisation météorologique mondiale désigneront chacun un membre du tribunal.

3. Les juges ainsi désignés choisiront leur président.

4. En cas de désaccord entre les juges au sujet de la personne du président, ce dernier sera désigné par le Président de la Cour internationale de justice, à la requête des membres du tribunal.

5. Le tribunal sera saisi par l'une ou l'autre partie par voie de requête.

6. Le tribunal fixera sa propre procédure.

Article 27

ENTRÉE EN VIGUEUR

L'entrée en vigueur du présent accord a été fixée avec effet rétroactif au 20 décembre 1951.

44. ARRANGEMENT D'EXÉCUTION DE L'ACCORD CONCLU ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L'ORGANISATION MÉTÉOROLOGIQUE MONDIALE POUR RÉGLER LE STATUT JURIDIQUE DE CETTE ORGANISATION EN SUISSE. SIGNÉ A GENÈVE, LE 10 MARS 1955 ¹

Article premier

LIBRE DISPOSITION DES FONDS

1. L'Organisation météorologique mondiale peut être titulaire de comptes en toutes monnaies.

2. L'Organisation météorologique mondiale peut transférer librement ses fonds, devises, numéraires et autres valeurs mobilières, de Suisse à l'étranger.

3. L'Organisation météorologique mondiale peut convertir en une autre monnaie toutes devises et tous numéraires détenus par elle.

¹ Nations Unies, *Recueil des Traités*, vol. 211, p. 292. Entré en vigueur le 10 mars 1955, avec effet rétroactif au 20 décembre 1951, conformément à l'article 11.

4. Le Conseil fédéral suisse tiendra compte des dispositions des paragraphes précédents du présent article lors de ses négociations avec des gouvernements étrangers au sujet des transferts de fonds et de marchandises.

Article 2

PRÉVOYANCE SOCIALE

L'Organisation météorologique mondiale est exempte de toutes contributions obligatoires à des institutions générales de prévoyance sociale, telles que les caisses d'assurance chômage, l'assurance accidents, etc., étant entendu que l'Organisation météorologique mondiale assurera, dans la mesure du possible, et dans des conditions à convenir, l'affiliation aux systèmes suisses d'assurance de ceux de ses agents qui ne sont pas assurés d'une protection sociale équivalente par l'Organisation elle-même.

Article 3

CHIFFRE, COURRIER, VALISE

1. L'Organisation météorologique mondiale est autorisée à faire usage de chiffres dans ses communications.
2. L'Organisation météorologique mondiale jouit du droit de se servir de courriers et de faire usage de valises diplomatiques dans les mêmes conditions que les gouvernements étrangers.
3. Les privilèges et facilités en matière de douane sont accordés conformément au règlement douanier du Conseil fédéral applicable aux organisations internationales.

Article 4

COMMUNICATIONS DE PRESSE

L'Organisation météorologique mondiale bénéficie, pour ses communications destinées à la presse et à la radiodiffusion, soit directement, soit par intermédiaire, des tarifs préférentiels applicables aux communications de presse, en conformité de la Convention internationale des télécommunications.

Article 5

LIBERTÉ D'ACCÈS ET DE SÉJOUR

1. En vue de faciliter l'entrée en Suisse des personnes énumérées à l'article 14 de l'accord, les légations et consulats de Suisse recevront, pour tous les cas où un visa d'entrée est nécessaire, l'instruction générale et préalable d'accorder un tel visa sur production du passeport ou d'un autre titre équivalent d'identité et de voyage, ainsi que d'une pièce suffisant à établir la qualité du requérant à l'égard de l'Organisation météorologique mondiale.
2. Les légations et consulats de Suisse auront pour instruction de délivrer le visa sans retard ou délais, et sans exiger la présence personnelle du requérant, ni l'acquittement des taxes.
3. Les dispositions de l'article 14 de l'accord et du présent article s'appliqueront, dans des conditions analogues, à la femme et aux enfants de l'intéressé, s'ils vivent avec lui et n'exercent pas de profession.

Article 6

CARTE D'IDENTITÉ

Le Département politique fédéral remet à l'Organisation météorologique mondiale, à l'intention de chaque fonctionnaire, une carte d'identité munie de la photographie du titulaire. Cette carte, authentifiée par le Département politique fédéral et l'Organisation météorologique mondiale, servira à la légitimation du fonctionnaire à l'égard de toute autorité fédérale, cantonale ou communale.

Article 7

FACILITÉS ACCORDÉES AUX FONCTIONNAIRES NON SUISSES

Les fonctionnaires de l'Organisation météorologique mondiale qui n'ont pas la nationalité suisse bénéficient des exemptions et facilités suivantes:

- a) Exemption des restrictions à la liberté de change dans des conditions identiques à celles accordées aux agents diplomatiques accrédités auprès du Conseil fédéral suisse;
- b) En cas de crise internationale, facilités de rapatriement pour les fonctionnaires et les membres de leur famille, identiques à celles accordées aux membres de missions diplomatiques accréditées auprès du Conseil fédéral suisse;
- c) Exonération des impôts fédéraux, cantonaux et communaux conformément aux usages établis pour le personnel non suisse des institutions internationales à Genève.

Article 8

SERVICE MILITAIRE

1. Le Secrétaire général de l'Organisation météorologique mondiale communiquera au Conseil fédéral suisse la liste des fonctionnaires de nationalité suisse astreints à des obligations de caractère militaire.

2. Le Secrétaire général de l'Organisation météorologique mondiale et le Conseil fédéral suisse établiront, d'un commun accord, une liste restreinte de fonctionnaires de nationalité suisse qui, en raison de leurs fonctions, bénéficieront de dispenses.

3. En cas de mobilisation d'autres fonctionnaires suisses, l'Organisation météorologique mondiale aura la possibilité de solliciter, par l'entremise du Département politique fédéral, un sursis d'appel ou toutes autres mesures appropriées.

Article 9

PASSEPORT DIPLOMATIQUE

Les fonctionnaires de nationalité suisse appartenant aux catégories déterminées d'un commun accord par le Secrétaire général de l'Organisation météorologique mondiale et par le Conseil fédéral suisse et qui se rendent en missions ou résident à l'étranger du fait de leurs fonctions, auront droit à un passeport diplomatique émis par le Département politique fédéral.

Article 10

CAISSES DES PENSIONS, ETC.

1. Toutes prestations en capital dues par la caisse des pensions ou toute autre institution de prévoyance sociale à des agents, fonctionnaires ou em-

ployés de l'Organisation météorologique mondiale, en quelque circonstance que ce soit — échéance des services, interruption des services, suspension — seront, au moment de leur versement, exemptes en Suisse de tous impôts quelconques, sur le capital et le revenu.

2. Il en sera de même à l'égard de toutes les prestations qui pourraient être versées à des agents, fonctionnaires ou employés de l'Organisation météorologique mondiale à titre d'indemnité à la suite de maladie, accident, etc.

Article 11

ENTRÉE EN VIGUEUR

Le présent arrangement entrera en vigueur dès qu'il aura été approuvé par le Conseil fédéral suisse et le Comité exécutif de l'Organisation météorologique mondiale.

Article 12

MODIFICATION DE L'ARRANGEMENT

1. Le présent arrangement peut être révisé à la demande de l'une ou l'autre partie.

2. Dans cette éventualité, les deux parties se concerteront sur les modifications qu'il pourrait y avoir lieu d'apporter aux dispositions du présent arrangement.

3. Au cas où les négociations n'aboutiraient pas à une entente dans le délai d'un an, l'arrangement pourra être dénoncé par l'une ou l'autre partie moyennant un préavis de deux ans.

Fait et signé au siège de l'Organisation météorologique mondiale à Genève, le 10 mars 1955, en double exemplaire.

Pour le Conseil fédéral suisse:

*Le Chef de la Division
des organisations internationales
du Département politique fédéral,*
(Signé) Pierre MICHELI

Pour l'Organisation
météorologique mondiale:

Le Secrétaire général,
(Signé) G. SWOBODA

45. PROTOCOLE RELATIF A L'ACCORD CONCLU ENTRE LE CONSEIL FÉDÉRAL SUISSE ET L'ORGANISATION MÉTÉOROLOGIQUE MONDIALE CONCERNANT LE STATUT JURIDIQUE DE CETTE ORGANISATION EN SUISSE ET L'ARRANGEMENT D'EXÉCUTION DUDIT ACCORD. SIGNÉ A GENÈVE, LE 10 MARS 1955 ¹

Considérant qu'il a été convenu entre l'Organisation météorologique mondiale et le Conseil fédéral suisse, parties au présent Protocole, qu'aucun arrangement spécial relatif à l'émission par les autorités fédérales suisses de

¹ Nations Unies, *Recueil des Traités*, vol. 211, p. 300. Entré en vigueur dès la signature le 10 mars 1955, conformément à l'article 3.

timbres-poste spéciaux à l'usage de l'Organisation météorologique mondiale, soit exclusivement, soit en commun avec d'autres organisations, n'interviendrait au moment de la conclusion de l'Accord entre l'Organisation météorologique mondiale et le Conseil fédéral suisse concernant le statut juridique de ladite Organisation et de l'Arrangement d'exécution du susdit Accord;

Considérant que les parties au présent Protocole sont convenues que l'Organisation météorologique mondiale jouirait, d'une manière générale, en Suisse, en ce qui concerne ses communications postales, d'un traitement non moins favorable que celui déjà accordé aux Nations Unies ainsi qu'à d'autres institutions internationales spécialisées établies en Suisse auxquelles un traitement analogue est accordé;

En conséquence, l'Organisation météorologique mondiale et le Conseil fédéral suisse conviennent, par les présentes, de ce qui suit:

Article premier

A la requête de l'Organisation météorologique mondiale ou du Conseil fédéral suisse, les parties au présent Protocole s'engagent à rouvrir des négociations concernant l'émission par les autorités fédérales suisses de timbres-poste spéciaux à utiliser par l'Organisation météorologique mondiale soit exclusivement, soit en commun avec d'autres organisations.

Article 2

Tous accords conclus entre les parties le seront dans les limites permises par les conventions de l'Union postale universelle et les conditions d'émission desdits timbres seront fixées sur la base des arrangements intervenus à cet égard avec d'autres organisations internationales établies en Suisse.

Article 3

Le présent Protocole entre en vigueur dès sa signature par les parties.

Note: See the U.S. Executive Order No. 10676, 21 Fed. Reg. 6625 (1956) (*supra*, First Part, under United States) which governs the legal status, privileges and immunities of the World Meteorological Organization in the United States.

See also the Diplomatic Privileges (WMO) Order 1959 of New Zealand (*supra*, First Part, under New Zealand) which governs the legal status, privileges and immunities of this Organization in New Zealand.

According to the letter of 7 March 1960, received from the World Meteorological Organization, the Diplomatic Immunities and Privileges Act, 1956 and the Diplomatic Immunities and Privileges Order, 1957 of the Republic of Sudan govern the legal status, privileges and immunities of this Organization in the Sudan. (For the text of this Act and this Order, see the *Legislative Supplement to Sudan Government Gazette*, No. 897, 15 August, 1956, p. 66; *ibid.*, No. 905, 15 March, 1957, p. 2; and *ibid.*, No. 906, 15 April, 1957, p. 82.)

In other countries which have ratified the Convention on the Privileges and Immunities of the Specialized Agencies and have notified their decision to apply its provisions to this Organization, its legal status is governed by the text of the Convention and such national legislation as may have been passed to implement it. (Information provided by the World Meteorological Organization.)

46. ÉCHANGE DE LETTRES CONCERNANT LE STATUT JURIDIQUE DE L'UNION INTERNATIONALE DES TÉLÉCOMMUNICATIONS (UIT), DES 6 ET 25 FÉVRIER 1948¹

DÉPARTEMENT POLITIQUE FÉDÉRAL

Berne, le 6 février 1948

Au Bureau de l'Union internationale
des télécommunications,

Effingerstrasse 1,
Berne.

Monsieur le Directeur,

Nous avons l'honneur de vous informer qu'en sa séance du 3 février 1948, le Conseil fédéral a décidé qu'à partir du 1^{er} janvier 1948, l'Arrangement provisoire conclu le 19 avril 1946 entre le Conseil fédéral et le Secrétaire général de l'Organisation des Nations Unies,² sera appliqué par analogie à l'Union internationale des télécommunications, à ses organes, aux représentants d'Etats membres, aux experts et aux fonctionnaires de cette Union.

La décision du Conseil fédéral (article 10 du Statut du 31 janvier 1947) accordant pendant la durée de leurs fonctions, aux Directeurs, Vice-Directeurs et Conseillers non suisses, ainsi qu'aux membres de leurs famille, les privilèges et immunités diplomatiques, est maintenue pour le Bureau de l'Union internationale des télécommunications à condition que le nombre des bénéficiaires de cette décision demeure aussi restreint qu'il l'est actuellement.

Veillez agréer, Monsieur le Directeur, l'assurance de notre haute considération.

Département politique fédéral

Organisations internationales,

(Signé) SECRÉTAN

BUREAU DE L'UNION INTERNATIONALE DES TÉLÉCOMMUNICATIONS

Berne, le 25 février 1948

Au Département politique fédéral,
Berne.

Monsieur le Conseiller fédéral,

Le Conseil d'administration de l'Union, réuni à Genève, a pris connaissance de la décision du Conseil fédéral du 3 février, appliquant par analogie à l'Union, à ses organes, aux représentants d'Etats membres, aux experts et aux fonctionnaires l'Arrangement provisoire conclu le 19 avril 1946 entre le Conseil fédéral et le Secrétaire général des Nations Unies.

Le Conseil d'administration a pris connaissance de cette décision avec la plus vive satisfaction et a chargé le Secrétaire général de l'Union d'être, auprès du Gouvernement suisse, l'interprète des sentiments reconnaissants des représentants de l'UIT.

¹ *Recueil officiel des lois et ordonnances de la Confédération suisse*, 1956, 1196.

² Pour le texte de cet Arrangement, voir le volume précédent de cette *Série* (ST/LEG/SER.B/10), p. 196.

De même j'ai reçu le mandat de transmettre au Conseil fédéral les remerciements chaleureux du Conseil d'administration pour l'excellente hospitalité dont les membres du Conseil ont pu bénéficier pendant leur séjour en Suisse.

Veillez agréer, Monsieur le Conseiller fédéral, l'assurance de ma très haute considération.

Bureau de l'Union internationale
des télécommunications

Le directeur,
(Signé) Fr. v. ERNST

47. CONVENTION¹ ON THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION. DONE AT GENÈVE, ON 6 MARCH 1948^{2 3}

. . .

PART XIII

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

Article 50

The legal capacity, privileges and immunities to be accorded to, or in connection with, the Organization, shall be derived from and governed by the General Convention on the Privileges and Immunities of the Specialized Agencies approved by the General Assembly of the United Nations on the 21st November, 1947, subject to such modifications as may be set forth in the final (or revised) text of the Annex approved by the Organization in accordance with Sections 36 and 38 of the said General Convention.

Article 51

Pending its accession to the said General Convention in respect of the Organization, each Member undertakes to apply the provisions of Appendix II to the present Convention.

. . .

¹ United Nations, *Treaty Series*, vol. 289, p. 48.

² *States which are parties* (up to 1 January 1960): Argentina, Australia, Belgium,* Burma, Canada, China,+ Denmark,+ Dominican Republic, Ecuador,+ Finland,+ France, Germany (Fed. Rep.), Ghana, Greece, Haiti, Honduras, Iran, Ireland, Israel, Italy, Japan, Liberia, Mexico,++ Netherlands,§ Norway, Pakistan, Panama, Sweden,+ Switzerland,++ Turkey,++ Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, United States.||

* Applies only to metropolitan territories.

+ With a declaration.

++ With reservation.

§ Applicable to Netherlands New Guinea, Surinam, and Netherlands Antilles.

|| With reservation and understanding.

³ See the Inter-governmental Maritime Consultative Organization (Immunities and Privileges) Order, No. 1296, 1959 (*supra*, First Part, under United Kingdom).

APPENDIX 11
(Referred to in Article 51)

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

The following provisions on legal capacity, privileges and immunities shall be applied by Members to, or in connection with, the Organization pending their accession to the General Convention on Privileges and Immunities of Specialized Agencies in respect of the Organization.

Section 1

The Organization shall enjoy in the territory of each of its Members such legal capacity as is necessary for the fulfilment of its purposes and the exercise of its functions.

Section 2

(a) The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and the exercise of its functions.

(b) Representatives of Members including alternates and advisers, and officials and employees of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

Section 3

In applying the provisions of Sections 1 and 2 of this Appendix, the Members shall take into account as far as possible the standard clauses of the General Convention on the Privileges and Immunities of the Specialized Agencies.

48. ÉCHANGE DE LETTRES CONCERNANT LE STATUT JURIDIQUE DE L'UNION POSTALE UNIVERSELLE (UPU), DU 5 FÉVRIER ET 22 AVRIL 1948 ¹

I

DÉPARTEMENT POLITIQUE FÉDÉRAL

Berne, le 5 février 1948

Au Bureau international
de l'Union postale universelle,
Schwarztorstrasse 38,
Berne.

Monsieur le Directeur,

Nous avons l'honneur de vous informer qu'en sa séance du 3 février 1948, le Conseil fédéral a décidé qu'à partir du 1^{er} janvier 1948, l'Arrangement provisoire conclu le 19 avril 1946 entre le Conseil fédéral et le Secrétaire général de l'Organisation des Nations Unies ², sera appliqué par analogie

¹ *Recueil officiel, des lois et ordonnances de la Confédération suisse*, 1956, 1194.

² Pour le texte de cet Arrangement, voir le volume précédent de cette *Série* (ST/LEG/SER.B/10), p. 196.

à l'Union postale universelle, à ses organes, aux représentants d'Etats membres, aux experts et aux fonctionnaires de cette Union.

La décision du Conseil fédéral (article 10 du Statut du 31 janvier 1947) accordant pendant la durée de leurs fonctions aux Directeurs, Vice-Directeurs et Conseillers non suisses, ainsi qu'aux membres de leurs familles, les privilèges et immunités diplomatiques, est maintenue pour le Bureau international de l'Union postale universelle à condition que le nombre des bénéficiaires de cette décision demeure aussi restreint qu'il l'est actuellement.¹

Veillez agréer, Monsieur le Directeur, l'assurance de notre haute considération.

Département politique fédéral
Organisations internationales,
(Signé) SECRÉTAN

II

UNION POSTALE UNIVERSELLE

Commission exécutive
et de liaison
Le Secrétaire général

Siège: Berne, Schwarztorstr. 38
le 22 avril 1948

Département politique fédéral
Organisations internationales
Berne

Monsieur le Conseiller de légation,

Au cours de la session qu'elle vient de tenir à Berne, la Commission provisoire exécutive et de liaison de l'Union postale universelle a pris officiellement connaissance de la décision du Conseil fédéral, du 3 février dernier, d'appliquer par analogie, à partir du 1^{er} janvier 1948, à l'Union postale universelle, à ses organes, aux représentants d'Etats membres, aux experts et aux fonctionnaires de cette Union, l'Arrangement provisoire conclu le 19 avril 1946 entre le Conseil fédéral et le Secrétaire général de l'Organisation des Nations Unies.

La nouvelle de cette décision a suscité un vif intérêt au sein de la Commission. Le Président a déclaré qu'en ce qui concerne le territoire helvétique elle donne entière satisfaction à l'Union postale universelle. En outre, traduisant le sentiment unanime de ses collègues, le représentant de la

¹ Dans une lettre du 4 juin 1960, reçue du Bureau international de l'Union postale universelle, il a été indiqué que le Conseil fédéral suisse avait pris, en date du 7 juillet 1953, une nouvelle décision dont la teneur est la suivante:

« Le Secrétaire général et les Directeurs non suisses de l'Union postale universelle et de l'Union internationale des télécommunications jouiront, pendant la durée de leurs fonctions, des privilèges et immunités reconnus aux envoyés diplomatiques, conformément au droit international.

« Les Secrétaires généraux adjoints, les Vice-Directeurs et les Conseillers non suisses seront mis, en application par analogie de la décision du Conseil fédéral du 30 décembre 1947* concernant l'octroi de facilités à certains fonctionnaires supérieurs de l'Office européen des Nations Unies, au bénéfice des privilèges et immunités accordés aux collaborateurs diplomatiques des chefs de mission accrédités auprès de la Confédération Suisse.»

* Pour le texte de la décision du Conseil fédéral suisse du 30 décembre 1947, voir le volume précédent de cette *Série* (SI/LEG/SER.B/10), p. 92.

Grande-Bretagne, sir David Ludbury, a exprimé la gratitude de la Commission au Gouvernement fédéral pour la faveur qu'il a ainsi accordée à cette Union.

D'autre part, la Commission a approuvé la résolution suivante qui lui a été soumise par le soussigné:

- a) La Commission prend acte, avec satisfaction, de la décision ci-dessus;
- b) Elle prie le Conseil fédéral de bien vouloir la communiquer, par la voie diplomatique, aux Gouvernements des Etats membres de l'Union postale universelle, comme l'avait été le « Statut des Bureaux internationaux placés sous la surveillance des autorités de la Confédération Suisse », du 31 janvier 1947, Statut qui est ainsi devenu caduc à l'égard de l'Union postale universelle.

Je vous serais en conséquence fort obligé de bien vouloir, si cela n'a pas déjà été fait, donner suite à ce vœu de la Commission.

Veuillez agréer, Monsieur le Conseiller de légation, l'assurance de ma haute considération.

Le Secrétaire général,
(Signé) MURI

Note: Dans la lettre du 4 juin 1960, reçue du Bureau international de l'Union postale universelle, il est dit ce qui suit: « Quant au statut juridique de l'Union hors de Suisse, il est réglé par la « Convention sur les privilèges et immunités des institutions spécialisées » qui a été approuvée le 21 novembre 1947 par l'Assemblée générale des Nations Unies et acceptée sans modification de ses clauses-standard par l'UPU à partir du 11 juillet 1949. A présent, ladite Convention est appliquée à l'UPU par 23 Etats. Au surplus, des accords particuliers analogues sont conclus relativement à la session d'un organe de l'Union entre celle-ci et le Pays qui n'est pas Partie à la Convention susmentionnée et sur le territoire duquel doit siéger l'organe de l'Union dont il s'agit. »

49. ARTICLES ¹ OF AGREEMENT OF THE INTERNATIONAL FINANCE CORPORATION. OPENED FOR SIGNATURE AT WASHINGTON, ON 25 MAY 1955 ²

¹ United Nations, *Treaty Series*, vol. 264, p. 118; and vol. 304, p. 387.

² In accordance with section 1 of article IX, the Articles of Agreement came into force on 20 July 1956, upon signature on behalf of the following 31 Governments whose subscriptions comprised \$78,366,000, and upon deposit on their behalf, on the dates indicated below, of the instruments of acceptance with the International Bank for Reconstruction and Development:

1955	1956	
Iceland	18 August	United Kingdom of
Canada	25 October	Great Britain and
United States of		Northern Ireland . . .
America	5 December	Costa Rica
Ecuador	5 December	Ethiopia
Egypt	16 December	Peru
Australia	23 December	Dominican Republic . .
Mexico	30 December	Panama
		3 January
		5 January
		26 January
		6 February
		21 February
		27 February

Article VI

STATUS, IMMUNITIES AND PRIVILEGES

Section 1. Purposes of Article

To enable the Corporation to fulfill the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Corporation in the territories of each member.

Section 2. Status of the Corporation

The Corporation shall possess full juridical personality and, in particular, the capacity:

- (i) To contract;
- (ii) To acquire and dispose of immovable and movable property;
- (iii) To institute legal proceedings.

1956		1956	
Ceylon	27 February	Sweden	6 June
Haiti	9 March	Norway	11 June
Guatemala	14 March	Japan	15 June
Nicaragua	15 March	Denmark	18 June
Bolivia	2 April	Finland	22 June
Honduras	16 April	Colombia	16 July
India	18 April	France	20 July
El Salvador	4 May	Federal Republic of Germany	20 July
Pakistan	18 May		
Jordan	28 May		

The Articles of Agreement came into force subsequently in respect of the following States, as from the date of deposit of the instruments of acceptance with the Bank, as indicated below:

1956		1957	
Paraguay	27 July	Philippines	12 August
Israel	26 September	Cuba	6 September
Austria	28 September	Afghanistan	23 September
Luxembourg	4 October	Greece	26 September
Burma	3 December		
Thailand	3 December	1958	
Turkey	19 December	Federation of Malaya	20 March
Belgium	27 December	Ghana	3 April
Iraq	27 December	Ireland	11 September
Italy	27 December	Libya	18 September
Indonesia	28 December		
Iran	28 December	1959	
Lebanon	28 December	United Arab Republic*	10 September
Venezuela	28 December	Argentina	13 October
Netherlands	28 December		
Brazil	31 December	1960	
	1957	Spain	24 March
Union of South Africa	3 April		
Chile	15 April		

* On 10 September 1959, the United Arab Republic was substituted for Egypt as a member of the International Finance Corporation.

Section 3. Position of the Corporation with regard to Judicial Process

Actions may be brought against the Corporation only in a court of competent jurisdiction in the territories of a member in which the Corporation has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Corporation shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Corporation.

Section 4. Immunity of Assets from Seizure

^v Property and assets of the Corporation, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of Archives

The archives of the Corporation shall be inviolable.

Section 6. Freedom of Assets from Restrictions

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of Article III, Section 5, and the other provisions of this Agreement, all property and assets of the Corporation shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. Privilege for Communications

The official communications of the Corporation shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. Immunities and Privileges of Officers and Employees

All Governors, Directors, Alternates, officers and employees of the Corporation:

- (i) Shall be immune from legal process with respect to acts performed by them in their official capacity;
- (ii) Not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;
- (iii) Shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. Immunities from Taxation

- (a) The Corporation, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all

taxation and from all customs duties. The Corporation shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Corporation to Directors, Alternates, officials or employees of the Corporation who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Corporation (including any dividend or interest thereon) by whomsoever held:

(i) Which discriminates against such obligation or security solely because it is issued by the Corporation; or

(ii) If the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Corporation.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Corporation (including any dividend or interest thereon) by whomsoever held:

(i) Which discriminates against such obligation or security solely because it is guaranteed by the Corporation; or

(ii) If the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Corporation.

Section 10. Application of Article

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Corporation of the detailed action which it has taken.

Section 11. Waiver

The Corporation in its discretion may waive any of the privileges and immunities conferred under this Article to such extent and upon such conditions as it may determine.

50. STATUTE¹ OF THE INTERNATIONAL ATOMIC ENERGY AGENCY. DONE AT THE HEADQUARTERS OF THE UNITED NATIONS, ON 26 OCTOBER 1956²

. . .

Article XV

PRIVILEGES AND IMMUNITIES

A. The Agency shall enjoy in the territory of each member such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

¹ United Nations, *Treaty Series*, vol. 276, p. 4.

² *States which are parties* (up to 1 January 1960): Afghanistan, Albania, Argentina (with reservations), Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, China, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany (Fed. Rep.) (Applicable to Berlin (West)), Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Israel, Italy, Japan, Korea (Rep. of), Luxembourg,

B. Delegates of members together with their alternates and advisers, Governors appointed to the Board together with their alternates and advisers, and the Director-General and the staff of the Agency, shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connexion with the Agency.

C. The legal capacity, privileges, and immunities referred to in this article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director-General acting under instructions of the Board of Governors, and the members.

51. AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE REPUBLIC OF AUSTRIA REGARDING THE HEADQUARTERS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY. SIGNED AT VIENNA, ON 11 DECEMBER 1947^{1 2}

THE INTERNATIONAL ATOMIC ENERGY AGENCY
and
THE REPUBLIC OF AUSTRIA

Desiring to conclude an agreement to establish the seat of the International Atomic Energy Agency in or near the City of Vienna and to regulate questions arising as a result thereof;

Have appointed as their representatives for this purpose:

The International Atomic Energy Agency:

W. Sterling Cole,
Director-General

and

The Federal President of the Republic of Austria:

DDr. h. c. Dipl.-Ing. Leopold Figl,
Federal Minister for Foreign Affairs

who have agreed as follows:

Article I

DEFINITIONS

Section 1

In this Agreement,

(a) The expression "the IAEA" means the International Atomic Energy Agency;

Mexico, Monaco, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States, Vatican City, Venezuela (with reservations), Viet-Nam (Rep. of), Yugoslavia.

¹ This Agreement entered into force on 1 March 1958, as provided in an exchange of notes on 26 February 1958 pursuant to section 52 (a) of the Agreement; by agreement of the parties it was applied provisionally from 1 January 1958.

² This Agreement as well as the following Agreements concluded between the International Atomic Energy Agency and the Republic of Austria are to be found in the United Nations, *Treaty Series*, vol. 339.

(b) The expression “ the Government ” means the Federal Government of the Republic of Austria;

(c) The expression “ Director-General ” means the Director-General of the IAEA or any officer designated to act on his behalf;

(d) The expression “ appropriate Austrian authorities ” means such federal, state, municipal or other authorities in the Republic of Austria as may be appropriate in the context and in accordance with the laws and customs applicable in the Republic of Austria;

(e) The expression “ laws of the Republic of Austria ” includes:

(i) The federal constitution and state constitutions; and

(ii) Legislative acts, regulations and orders issued by or under authority of the Government or appropriate Austrian authorities;

(f) The expression “ headquarters seat ” means:

(i) The headquarters area with the building or buildings upon it, as may from time to time be defined in the supplemental agreements referred to in section 3; and

(ii) Any other land or building which may from time to time be included, temporarily or permanently, therein in accordance with this Agreement or by supplemental agreement with the Government;

(g) The expression “ Member State ” means a State which is a member of the IAEA;

(h) The expression “ Governor ” means a Governor appointed to the Board of Governors of the IAEA;

(i) The expression “ alternates for and advisers and experts attached to Governors ” includes alternates, advisers and experts attached to Governors, but does not include clerical and other auxiliary personnel;

(j) The expression “ resident representative to the IAEA ” means the principal resident representative to the IAEA designated by a Member State;

(k) The expression “ each member of the resident delegation of a Member State to the IAEA ” includes members of the delegation of the resident representative to the IAEA, but does not include clerical and other auxiliary personnel;

(l) The expression “ representatives of Member States ” includes accredited representatives of Member States and members of their delegations, but does not include clerical and other auxiliary personnel;

(m) The expression “ meetings convened by the IAEA ” means any meetings of the General Conference of the IAEA or of the Board of Governors of the IAEA, or any international conferences or other gatherings convened by the IAEA or under its sponsorship;

(n) The expression “ archives of the IAEA ” includes records and correspondence, documents, manuscripts, still and moving pictures, films and sound recordings belonging to or held by the IAEA;

(o) The expression “ officials of the IAEA ” means the Director-General and all members of the staff of the IAEA except those who are locally recruited and assigned to hourly rates; and

(p) The expression “ property ” as used in Article VIII means all property, including funds and other assets, belonging to the IAEA or held or administered by the IAEA in furtherance of its statutory functions and all income of the IAEA.

Article II

THE HEADQUARTERS SEAT

Section 2

(a) The permanent headquarters of the IAEA shall be in the headquarters seat, and shall not be removed therefrom unless the IAEA should so decide. Any transfer of the headquarters temporarily to another place shall not constitute a removal of the permanent headquarters unless there is an express decision by the IAEA to that effect.

(b) Any building which is used with the concurrence of the Government for meetings convened by the IAEA shall be temporarily included in the headquarters seat.

(c) The appropriate Austrian authorities shall take whatever action may be necessary to ensure that the IAEA shall not be dispossessed of all or any part of the headquarters seat without the express consent of the IAEA.

Section 3

The Government grants to the IAEA, and the IAEA accepts from the Government, the permanent use and occupation of a headquarters seat as may from time to time be defined in supplemental agreements to be concluded between the IAEA and the Government.

Section 4

(a) To enable the IAEA to participate in the United Nations network of short-wave communications, the Government shall, upon request, grant to the IAEA for official purposes appropriate radio and other telecommunication facilities in conformity with technical arrangements to be made with the International Telecommunication Union.

(b) The IAEA may establish and operate such additional radio and other telecommunication facilities as may be specified by supplemental agreement between the IAEA and the appropriate Austrian authorities.

Section 5

The IAEA may establish and operate research and other technical facilities of any type. These facilities shall be subject to appropriate safeguards which, in the case of facilities which might create hazards to health or safety or interfere with property shall be agreed with the appropriate Austrian authorities.

Section 6

The facilities provided for in sections 4 and 5 may, to the extent necessary for efficient operation, be established and operated outside the headquarters area. The appropriate Austrian authorities shall, at the request of the IAEA, make arrangements, on such terms and in such manner as may be agreed upon by supplemental agreement, for the acquisition or use by the IAEA of appropriate premises for such purposes and for the inclusion of such premises in the headquarters seat.

Article III

EXTRATERRITORIALITY OF THE HEADQUARTERS SEAT

Section 7

(a) The Government recognizes the extraterritoriality of the headquarters seat, which shall be under the control and authority of the IAEA as provided in this Agreement.

(b) Except as otherwise provided in this Agreement, and subject to any regulation enacted under section 8, the laws of the Republic of Austria shall apply within the headquarters seat.

(c) Except as otherwise provided in this Agreement, the courts or other appropriate organs of the Republic of Austria shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the headquarters seat.

Section 8

(a) The IAEA shall have the power to make regulations, operative within the headquarters seat, for the purpose of establishing therein any conditions necessary for the full execution of its functions. No laws of the Republic of Austria which are inconsistent with a regulation of the IAEA authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters seat. Any dispute between the IAEA and the Republic of Austria as to whether a regulation of the IAEA is authorized by this section or as to whether a law of the Republic of Austria is inconsistent with any regulation of the IAEA authorized by this section, shall be promptly settled by the procedure set out in section 51. Pending such settlement, the regulation of the IAEA shall apply and the law of the Republic of Austria shall be inapplicable in the headquarters seat to the extent that the IAEA claims it to be inconsistent with the regulation of the IAEA.

(b) The IAEA shall from time to time inform the Government, as may be appropriate, of regulations made by it falling within sub-section (a).

(c) This section shall not prevent the reasonable application of fire protection or sanitary regulations of the appropriate Austrian authorities.

Section 9

(a) The headquarters seat shall be inviolable. No officer or official of the Republic of Austria, or other person exercising any public authority within the Republic of Austria, shall enter the headquarters seat to perform any duties therein except with the consent of, and under conditions approved by, the Director-General. The service of legal process, including the seizure of private property, shall not take place within the headquarters seat except with the express consent of, and under conditions approved by, the Director-General.

(b) Without prejudice to Article XI the IAEA shall prevent the headquarters seat from being used as a refuge by persons who are avoiding arrest under any law of the Republic of Austria, who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process.

Article IV

PROTECTION OF THE HEADQUARTERS SEAT

Section 10

(a) The appropriate Austrian authorities shall exercise due diligence to ensure that the tranquillity of the headquarters seat is not disturbed by any person or group of persons attempting unauthorized entry into or creating disturbances in the immediate vicinity of the headquarters seat, and shall provide on the boundaries of the headquarters seat such police protection as may be required for this purpose.

(b) If so requested by the Director-General, the appropriate Austrian authorities shall provide a sufficient number of police for the preservation of law and order in the headquarters seat.

Section 11

The appropriate Austrian authorities shall take all reasonable steps to ensure that the amenities of the headquarters seat are not prejudiced and that the purposes for which the headquarters seat is required are not obstructed by any use made of the land or buildings in the vicinity of the headquarters seat. The IAEA shall take all reasonable steps to ensure that the amenities of the land in the vicinity of the headquarters seat are not prejudiced by any use made of the land or buildings in the headquarters seat.

Article V

PUBLIC SERVICES IN THE HEADQUARTERS SEAT

Section 12

(a) The appropriate Austrian authorities shall exercise, to the extent requested by the Director-General, their respective powers to ensure that the headquarters seat shall be supplied with the necessary public services, including, without limitation by reason of this enumeration, electricity, water, sewerage, gas, post, telephone, telegraph, local transportation, drainage, collection of refuse, fire protection and snow removal from public streets, and that such public services shall be supplied on equitable terms.

(b) In case of any interruption or threatened interruption of any such services, the appropriate Austrian authorities shall consider the needs of the IAEA as being of equal importance with those of essential agencies of the Government, and shall take steps accordingly to ensure that the work of the IAEA is not prejudiced.

(c) The Director-General shall, upon request, make suitable arrangements to enable duly authorized representatives of the appropriate public service bodies to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers within the headquarters seat under conditions which shall not unreasonably disturb the carrying out of the functions of the IAEA.

(d) Where gas, electricity, water or heat are supplied by appropriate Austrian authorities, or where the prices thereof are under their control, the IAEA shall be supplied at tariffs which shall not exceed the lowest comparable rates accorded to Austrian governmental administrations.

Article VI

COMMUNICATIONS AND TRANSPORTATION

Section 13

The IAEA shall enjoy, as far as may be compatible with any international conventions, regulations and arrangements to which the Government is a party, for its official communications, treatment not less favourable than that accorded by the Government to any other organization or government, including diplomatic missions of such other government, in the matter of priorities and rates for mails, cables, telegrams, radiograms, telephotos, television, telephone and other communications, and press rates for information to press and radio.

Section 14

The IAEA shall be entitled for its official purposes to use the railroad facilities of the Government at tariffs which shall not exceed the lowest comparable passenger fares and freight rates accorded to Austrian governmental administrations.

Section 15

(a) All official communications directed to the IAEA, or to any of its officials at the headquarters seat, and all outward official communications of the IAEA, by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, films and sound recordings.

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

Article VII

JURIDICAL PERSONALITY, FREEDOM OF ASSEMBLY
AND FREEDOM OF PUBLICATION

Section 16

The Government recognizes the juridical personality of the IAEA and, in particular, its capacity:

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

Section 17

(a) The Government recognizes the right of the IAEA to convene meetings within the headquarters seat or, with the concurrence of the Government or any appropriate Austrian authorities designated by it, elsewhere in the Republic of Austria.

(b) To ensure full freedom of assembly and discussion, the Government shall take all proper steps to guarantee that no impediment is placed in the way of conducting the proceedings of any meeting convened by the IAEA.

Section 18

(a) The Government recognizes the right of the IAEA freely to publish and broadcast within the Republic of Austria for purposes specified in its Statute.

(b) It is, however, understood that the IAEA shall respect any laws of the Republic of Austria, or any international conventions to which the Republic of Austria is a party, relating to copyrights.

Article VIII

PROPERTY OF THE IAEA AND FREEDOM FROM TAXATION

Section 19

The IAEA and its property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in

any particular case the IAEA shall have expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 20

The property of the IAEA, wherever located and by whomsoever held, shall enjoy immunity from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 21

The archives of the IAEA shall be inviolable wherever located.

Section 22

(a) The IAEA and its property shall be exempt from all forms of taxation, provided, however, that such tax exemption shall not extend to the owner or lessor of any property rented by the IAEA.

(b) In so far as the Government, for important administrative considerations, may be unable to grant the IAEA exemption from indirect taxes which constitute part of the cost of goods purchased by or services rendered to the IAEA, the Government shall reimburse the IAEA for such taxes by the payment, from time to time, of lump sums to be agreed upon by the IAEA and the Government. It is, however, understood that the IAEA will not claim reimbursement with respect to minor purchases. With respect to such taxes, the IAEA shall at all times enjoy at least the same exemptions and facilities as are granted to Austrian governmental administrations or to chiefs of diplomatic mission accredited to the Republic of Austria, whichever are the more favourable. It is further understood that the IAEA will not claim exemption from taxes which are in fact no more than charges for public utility services.

(c) Notwithstanding sub-section (b), all transactions to which the IAEA is a party and all documents recording such transactions shall be exempt from all taxes, recording fees, and documentary taxes.

(d) Articles imported or exported by IAEA for official purposes shall be exempt from customs duties and other levies, prohibitions and restrictions on imports and exports. Such articles shall include, without limitation by reason of this enumeration, scientific and industrial plant, equipment and materials of any kind.

(e) The IAEA shall be exempt from customs duties and other levies, prohibitions and restrictions on the importation of service automobiles, and spare parts thereof, required for its official purposes.

(f) The Government shall, if requested, grant allotments of gasoline or other fuels and lubricating oils for each such automobile operated by the IAEA in such quantities as are required for its work and at any special rates which may be established for diplomatic missions in the Republic of Austria.

(g) Articles imported in accordance with sub-sections (d) and (e) or obtained from the Government in accordance with sub-section (f) of this section shall not be sold by the IAEA in the Republic of Austria except under conditions agreed upon with the Government.

Article IX

FINANCIAL FACILITIES

Section 23

(a) Without being subject to any financial controls, regulations or moratoria of any kind, the IAEA may freely:

- (i) Purchase any currencies through authorized channels and hold and dispose of them;
- (ii) Operate accounts in any currency;
- (iii) Purchase through authorized channels, hold and dispose of funds, securities and gold;
- (iv) Transfer its funds, securities, gold and currencies to or from the Republic of Austria, to or from any other country, or within the Republic of Austria; and
- (v) Raise funds through the exercise of its borrowing power or in any other manner which it deems desirable, except that with respect to the raising of funds within the Republic of Austria, the IAEA shall obtain the concurrence of the Government.

(b) The Government shall assist the IAEA to obtain the most favourable conditions as regards exchange rates, banking commissions in exchange transactions and the like.

(c) The IAEA shall, in exercising its rights under this section, pay due regard to any representations made by the Government in so far as effect can be given to such representations without prejudicing the interests of the IAEA.

Article X

SOCIAL SECURITY AND PENSION FUNDS

Section 24

Any pension fund or provident fund established by or conducted under the authority of the IAEA shall enjoy legal capacity in the Republic of Austria if the IAEA so requests, and shall enjoy the same exemptions, immunities and privileges as the IAEA itself.

Section 25

The IAEA shall be exempt from all compulsory contributions to, and officials of the IAEA shall not be required by the Government to participate in, any social security scheme of the Republic of Austria.

Section 26

The Government shall make such provision as may be necessary to enable any official of the IAEA who is not afforded social security coverage by the IAEA to participate, if the IAEA so requests, in any social security scheme of the Republic of Austria. The IAEA shall, in so far as possible, arrange, under conditions to be agreed upon, for the participation in the Austrian social security system of those locally recruited members of its staff to whom it does not grant social security protection at least equivalent to that offered under Austrian law.

Article XI

TRANSIT AND RESIDENCE

Section 27

(a) The Government shall take all necessary measures to facilitate the entry into and sojourn in Austrian territory and shall place no impediment in the way of the departure from Austrian territory of the persons listed below, shall ensure that no impediment is placed in the way of their transit to or from the headquarters seat and shall afford them any necessary protection in transit:

- (i) Governors, alternates for and advisers and experts attached to Governors, resident representatives and members of the resident delegations of Member States to the IAEA, their families and other members of their households, as well as clerical and other auxiliary personnel attached to the staffs of Governors or resident representatives and the spouses and dependent children of such personnel;
- (ii) Representatives of Member States, their families and other members of their households as well as clerical and other auxiliary personnel attached to delegations of Member States and the spouses and dependent children of such personnel;
- (iii) Officials of the IAEA, their families and other members of their households;
- (iv) Officials of the United Nations or of any other organization brought into relationship with the IAEA pursuant to Article XVI.A of its Statute, who have official business with the IAEA, and their spouses and dependent children;
- (v) Representatives of other organizations with which the IAEA has established consultative relations, who have official business with the IAEA;
- (vi) Persons, other than officials of the IAEA, performing missions authorized by the IAEA or serving on committees or other subsidiary bodies of the IAEA, and their spouses;
- (vii) Representatives of the press, radio, film, television or other information media, who have been accredited to the IAEA in its discretion after consultation with the Government;
- (viii) Representatives of States which are not Members of the IAEA who are sent as observers, in accordance with rules adopted by the IAEA, to meetings convened by the IAEA; and
- (ix) Representatives of other organizations or other persons invited by the IAEA to the headquarters seat on official business. The Director-General shall communicate the names of such persons to the Government before their intended entry.

(b) This section shall not apply in the case of general interruptions of transportation, which shall be dealt with as provided in sub-section 12 (b), and shall not impair the effectiveness of generally applicable laws relating to the operation of means of transportation.

(c) Visas which may be required by persons referred to in this section shall be granted without charge and as promptly as possible.

(d) No activity performed by any person referred to in this section in his official capacity with respect to the IAEA as indicated in sub-section (a)

shall constitute a reason for preventing his entry into or his departure from the territory of the Republic of Austria or for requiring him to leave such territory.

(e) No person referred to in sub-section (a) shall be required by the Government to leave the Republic of Austria save in the event of an abuse of the right of residence, in which case the following procedures shall apply:

- (i) No proceeding shall be instituted to require any such person to leave the Republic of Austria except with the prior approval of the Federal Minister for Foreign Affairs of the Republic of Austria;
- (ii) In the case of a representative of a Member State, such approval shall be given only after consultation with the Government of the Member State concerned;
- (iii) In the case of any other person mentioned in sub-section (a), such approval shall be given only after consultation with the Director-General, and if expulsion proceedings are taken against any such person the Director-General shall have the right to appear or to be represented in such proceedings on behalf of the person against whom such proceedings are instituted; and
- (iv) Persons who are entitled to diplomatic privileges and immunities under sections 30, 31 or 39 shall not be required to leave the Republic of Austria otherwise than in accordance with the customary procedure applicable to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

(f) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in sub-section (a), or the reasonable application of quarantine and health regulations.

Section 28

The Director-General and the appropriate Austrian authorities shall, at the request of either of them, consult as to methods of facilitating entrance into the Republic of Austria, and as to the use of available means of transportation, by persons coming from abroad who wish to visit the headquarters seat and who do not enjoy the privileges provided by section 27.

Article XII

PERMANENT MISSIONS TO THE IAEA

Section 29

Permanent missions to the IAEA of Member States shall enjoy the same privileges and immunities as are accorded to diplomatic missions in the Republic of Austria.

Article XIII

GOVERNORS AND RESIDENT REPRESENTATIVES TO THE IAEA

Section 30

Each Governor and each resident representative to the IAEA shall be entitled within the Republic of Austria to the same privileges and immunities as the Government accords to chiefs of diplomatic mission accredited to the Republic of Austria.

Section 31

Alternates for and advisers and experts attached to Governors and members of resident delegations of Member States to the IAEA shall be entitled to the same privileges and immunities as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

Section 32

Clerical and other auxiliary personnel attached to the staff of a Governor or to a resident delegation of a Member State shall be accorded the same privileges and immunities as clerical and other auxiliary personnel of diplomatic missions.

Article XIV

REPRESENTATIVES TO THE IAEA

Section 33

Representatives of Member States to any meetings convened by the IAEA shall, without prejudice to any other privileges and immunities which they may enjoy while exercising their functions and during their journeys to and from the headquarters seat, enjoy within and with respect to the Republic of Austria the following privileges and immunities:

(a) Immunity in respect of themselves, their spouses and their dependent children from personal arrest or detention and from seizure of their personal and official baggage;

(b) Immunity from legal process of any kind in respect of words spoken or written, and of all acts done by them, in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned may no longer be engaged in the performance of such functions;

(c) Inviolability of all papers, documents and other official material;

(d) The right to use codes and to dispatch or receive papers, correspondence or other official material by courier or in sealed bags;

(e) Exemption with respect to themselves, their spouses, their dependent relatives and other members of their households from immigration restrictions, alien registration and national service obligations;

(f) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria;

(g) The same privileges with respect to currency and exchange restrictions as the Government accords to representatives of foreign Governments on temporary official missions; and

(h) The same immunities and facilities with respect to their personal and official baggage as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

Section 34

Clerical and other auxiliary personnel attached to a delegation of a Member State shall be accorded the same privileges and immunities as clerical and other auxiliary personnel of diplomatic missions.

Section 35

Where the incidence of any form of taxation depends upon residence, periods during which the persons designated in section 33 may be present in the Republic of Austria for the discharge of their duties shall not be considered as periods of residence. In particular, such persons shall be exempt from taxation on their salaries and emoluments during such periods of duty and shall be exempt from all tourist taxes.

Section 36

The privileges and immunities accorded by this Article and Article XIII are conferred, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the IAEA. Consequently, it is incumbent upon a Member State to waive the immunity of any of its representatives in any case where, in the judgment of the Member State, the immunity would impede the course of justice and where it can be waived without prejudice to the purposes for which it was accorded.

Section 37

(a) The IAEA shall communicate to the Government a list of persons within the scope of this Article and Article XIII and shall revise such list from time to time as may be necessary.

(b) The Government shall furnish persons within the scope of Article XIII and such other persons as may be appropriate with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Austrian authorities.

Article XV

OFFICIALS OF THE IAEA

Section 38

Officials of the IAEA shall enjoy within and with respect to the Republic of Austria the following privileges and immunities:

(a) Immunity from legal process of any kind in respect of words spoken or written, and of acts performed by them, in their official capacity; such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the IAEA:

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

(c) Immunity from inspection of official baggage and, if the official comes within the scope of section 39, immunity from inspection of personal baggage;

(d) Exemption from taxation in respect of the salaries, emoluments and indemnities paid to them by the IAEA for services past or present or in connexion with their service with the IAEA;

(e) Exemption from any form of taxation on income derived by them from sources outside the Republic of Austria;

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

(g) Exemption from national service obligations, provided that, with respect to Austrian citizens, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Director-General and approved by the Government; provided further that should officials, other than those listed, who are Austrian citizens be called up for national service, the Government shall, upon request of the Director-General, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption of the essential work of the IAEA;

(h) Freedom to maintain within the Republic of Austria or elsewhere foreign securities, foreign currency accounts, and other movable and immovable property; and at the termination of their IAEA employment, the right to take out of the Republic of Austria without prohibition or restriction their funds in the same currency and up to the same amounts as they had brought into the Republic of Austria through authorized channels;

(i) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria; and

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

- (i) Their furniture and effects in one or more separate shipments, and thereafter to import necessary additions to the same;
- (ii) One automobile every four years; and
- (iii) Subject to a supplemental agreement to be concluded between the IAEA and the Government, limited quantities of certain articles for personal use or consumption and not for gift or sale.

Section 39

In addition to the privileges and immunities specified in section 38:

(a) The Director shall be accorded the privileges and immunities, exemptions and facilities accorded to Ambassadors who are heads of mission;

(b) A Deputy Director-General or a senior official of the IAEA, when acting on behalf of the Director-General during his absence from duty, shall be accorded the same privileges and immunities, exemptions and facilities as are accorded to the Director-General; and

(c) The Deputy Directors-General and other officials having the professional grade of P-5 and above, and such additional categories of officials as may be designated, in agreement with the Government, by the Director-General, in consultation with the Board of Governors, on the grounds of the responsibilities of their positions in the IAEA, shall be accorded the same privileges and immunities, exemptions and facilities as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

Section 40

(a) The privileges and immunities accorded by this Article are conferred in the interests of the IAEA and not for the personal benefit of the individuals themselves. The immunities of officials of the IAEA shall be waived by the IAEA in cases where the immunity impedes the course of justice and

where it can be waived without prejudice to the interest of the IAEA. In any case where these privileges and immunities arise, the official involved shall immediately report to the Director-General, who shall decide, in consultation where appropriate with the Board of Governors, whether they shall be waived. In the case of the Director-General, the Board of Governors shall have the right to waive immunities.

(b) The IAEA and its officials shall co-operate at all times with the appropriate Austrian authorities to facilitate the proper execution of the laws of the Republic of Austria and to prevent the occurrence of any abuses in connexion with the privileges and immunities accorded by this Article.

Section 41

(a) The IAEA shall communicate to the Government a list of all officials of the IAEA and shall revise such list from time to time as may be necessary.

(b) The Government shall furnish persons within the scope of this Article with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Austrian authorities.

Article XVI

EXPERTS, MEMBERS OF IAEA MISSIONS AND COMMITTEES AND REPRESENTATIVES OF ORGANIZATIONS

Section 42

Experts, other than those attached to Governors coming within the scope of Article XIII or other than officials of the IAEA coming within the scope of Article XV, performing missions authorized by, serving on committees or other subsidiary bodies of, or consulting at its request in any way with, the IAEA and representatives of organizations with which the IAEA has established relationship pursuant to Article XVI.A of its Statute, or representatives of organizations invited by the Board of Governors or the General Conference to the headquarters seat on official business, shall enjoy, within and with respect to the Republic of Austria, the following privileges and immunities so far as may be necessary for the effective exercise of their functions and during their journeys in connexion with service on such missions, committees or other subsidiary bodies, and during attendance at the headquarters seat and at such meetings:

(a) Immunity in respect of themselves, their spouses and their dependent children from personal arrest or detention and from seizure of their personal and official baggage;

(b) Immunity from legal process of any kind with respect to words spoken or written, and all acts done by them, in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned may no longer be employed on missions for, serving on committees of, or acting as consultants for, the IAEA, or may no longer be present at the headquarters seat or attending meetings convened by the IAEA;

(c) Inviolability of all papers, documents and other official material;

(d) The right, for the purpose of all communications with the IAEA, to use codes and to dispatch or receive papers, correspondence or other official material by courier or in sealed bags;

(e) Exemption with respect to themselves and their spouses from immigration restrictions, alien registration and national service obligations;

(f) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crises to members having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria;

(g) The same privileges with respect to currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions; and

(h) The same immunities and facilities with respect to their personal and official baggage as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic mission accredited to the Republic of Austria.

Section 43

(a) Where the incidence of any form of taxation depends upon residence, periods during which the persons designated in section 42 may be present in the Republic of Austria for the discharge of their duties shall not be considered as periods of residence. In particular, such persons shall be exempt from taxation on their salaries and emoluments received from the IAEA during such periods of duty and shall be exempt from all tourist taxes.

(b) The privileges and immunities accorded by this Article are conferred in the interest of the IAEA and not for the personal benefit of the individuals themselves. The IAEA shall waive the immunity granted under this Article to any such individuals in any case where, in the opinion of the IAEA, the immunity would impede the course of justice and could be waived without prejudice to the interest of the IAEA.

Section 44

(a) The IAEA shall communicate to the Government a list of persons within the scope of this Article and shall revise such list from time to time as may be necessary.

(b) The Government shall furnish persons within the scope of this Article with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Austrian authorities.

Article XVII

LAISSEZ-PASSER

Section 45

The Government shall recognize and accept as a valid travel document the United Nations laissez-passer issued to officials of the IAEA.

Article XVIII

GENERAL PROVISIONS

Section 46

The Republic of Austria shall not incur by reason of the location of the headquarters seat of the IAEA within its territory any international responsibility for acts or omissions of the IAEA or of its officials acting or abstaining from acting within the scope of their functions, other than the

international responsibility which the Republic of Austria would incur as a Member of the IAEA.

Section 47

(a) If the Government considers it necessary to take, without prejudice to the independent and proper working of the IAEA, precautions for the security of the Republic of Austria affecting the operation of any Article of this Agreement, it shall approach the IAEA as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary to protect the interest of the IAEA.

(b) The IAEA shall co-operate with the Government to avoid any prejudice to the security of the Republic of Austria resulting from its activities.

Section 48

(a) The Director-General shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this Agreement shall occur, and for this purpose shall, with the approval of the Board of Governors, establish such rules and regulations as may be deemed necessary and expedient, for officials of the IAEA and for such other persons as may be appropriate.

(b) Should the Government consider that an abuse of a privilege or immunity conferred by this Agreement has occurred, the Director-General shall, upon request, consult with the appropriate Austrian authorities to determine whether any such abuse has occurred. If such consultations fail to achieve a result satisfactory to the Director-General and to the Government, the matter shall be determined in accordance with the procedure set out in section 51.

(c) All persons of Austrian citizenship and all stateless persons resident in Austria shall enjoy the privileges and immunities, exemptions and facilities accorded by this Agreement to the extent recognized by international law as accepted by the Government, provided, however, that sections 25 and 26 and sub-sections 38 (d) and 38 (g) shall, in any event, apply to officials of the IAEA who are Austrian citizens or who are stateless persons resident in Austria.

(d) This Agreement shall apply irrespective of whether the Government maintains or does not maintain diplomatic relations with the State concerned.

Article XIX

SUPPLEMENTAL AGREEMENTS AND SETTLEMENT OF DISPUTES

Section 49

(a) The IAEA and the Government may enter into such supplemental agreements as may be necessary.

(b) Upon the entry into force with respect to the Republic of Austria of any convention conferring privileges and immunities on the IAEA, such convention and this Agreement shall, if and to the extent that they deal with the same subject matter, be treated, wherever possible, as complementary; but in case of conflict, the provisions of this Agreement shall prevail.

(c) If and to the extent that the Government shall enter into any agreement with any intergovernmental organization containing terms or conditions more favourable to that organization than similar terms or conditions of this Agreement, the Government shall extend such more favourable terms or conditions to the IAEA by means of a supplemental agreement.

Section 50

The IAEA shall make provision for appropriate methods of settlement of:

(a) Disputes arising out of contracts and disputes of a private law character to which the IAEA is a party; and

(b) Disputes involving an official of the IAEA who, by reason of his official position, enjoys immunity, if such immunity has not been waived by the IAEA.

Section 51

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

Article XX

OPERATION OF THIS AGREEMENT

Section 52

(a) This Agreement shall enter into force upon an exchange of notes between the Director-General duly authorized thereto and the duly authorized representative of the Federal President of the Republic of Austria.

(b) Consultations with respect to modification of this Agreement shall be entered into at the request of the IAEA or the Government. Any such modification shall be by mutual consent.

(c) This Agreement shall be construed in the light of its primary purpose of enabling the IAEA at its headquarters in the Republic of Austria fully and efficiently to discharge its responsibilities and fulfil its purposes.

(d) Whenever this Agreement imposes obligations on the appropriate Austrian authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.

(e) This Agreement shall cease to be in force:

(i) By mutual consent of the IAEA and the Government; and

(ii) If the permanent headquarters of the IAEA is removed from the territory of the Republic of Austria, except for such provisions as may be applicable in connexion with the orderly termination of the operations of the IAEA at its permanent headquarters in the Republic of Austria and the disposal of its property therein.

52. EXCHANGE OF LETTERS CONSTITUTING A SUPPLEMENTAL AGREEMENT ON CURRENCY EXCHANGE FACILITIES FOR THE PURPOSE OF IMPLEMENTING ARTICLE IX, SECTION 23, OF THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE REPUBLIC OF AUSTRIA REGARDING THE HEADQUARTERS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY. VIENNA, 11 DEC. 1957 ¹

Vienna, December 11, 1957

Sir,

I have the honour to inform you that the provisions of section 23 of the Agreement signed this day between the Republic of Austria and the International Atomic Energy Agency regarding the headquarters of the International Atomic Energy Agency should be supplemented as set forth below:

With regard to transfers of Schilling funds by the International Atomic Energy Agency, the provisions of section 23 of the Headquarters Agreement shall be understood as follows:

(a) Schilling funds acquired by the International Atomic Energy Agency through the sale of freely convertible currency (i.e., at present U.S. dollars, Canadian dollars, and free Swiss francs) may be transferred into any currency, whereas the transfer of Schilling funds of other origin into other currencies shall be subject to the limitations generally applicable to transfers into such currencies under the Austrian regulations.

(b) Officials and experts of the International Atomic Energy Agency shall be allowed, over and above the facilities granted by the Headquarters Agreement, to make transfers to other countries up to a maximum amount of one thousand U.S. dollars per year, to the debit of the Schilling accounts held in their names at Austrian credit institutions. If officials or experts of the International Atomic Energy Agency wish to make Schilling transfers exceeding the maximum amount mentioned above, such transfers shall be authorized by the Austrian authorities up to the amount of all salary previously received in Schillings by the person concerned from the International Atomic Energy Agency, provided that the International Atomic Energy Agency agrees that the amount to be transferred shall be deducted from the transferable Schilling balance of the International Atomic Energy Agency referred to in sub-paragraph (a) above.

Mr. W. Sterling Cole,
Director General of the
International Atomic
Energy Agency,
Vienna

If the text of the Supplemental Agreement set forth above is satisfactory to the International Atomic Energy Agency, I should be honoured to receive official confirmation to that effect.

¹ This Agreement entered into force on the same date as the Headquarters Agreement—see *supra*.

If confirmed by the International Atomic Energy Agency this Supplemental Agreement will become binding on the Republic of Austria and on the Agency from the day on which the Headquarters Agreement enters into force.

Accept, Sir, the assurances of my highest consideration.

(Signed) Leopold FIGL

11 December 1957

Sir,

I have the honour to acknowledge receipt of your letter of to-day's date which reads as follows:

(Here follows the text of the immediately preceding letter.)

I have the honour to confirm that the contents of your letter are accepted by the International Atomic Energy Agency.

Accept, Sir, the assurances of my highest consideration.

(Signed) W. Sterling COLE

Director-General

His Excellency,
DDr. h.c. Dipl. Ing. Figl,
Federal Minister for Foreign Affairs,
Vienna.

53. SUPPLEMENTAL AGREEMENT ON THE TEMPORARY HEADQUARTERS SEAT FOR THE PURPOSE OF IMPLEMENTING ARTICLE II, SECTION 3, OF THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE REPUBLIC OF AUSTRIA REGARDING THE HEADQUARTERS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY. SIGNED AT VIENNA, ON 3 JUNE 1958¹

The Republic of Austria, represented by the Bundeskanzler (Federal Chancellor) and the International Atomic Energy Agency with its Headquarters in Vienna, represented by its Director-General, for the purpose of implementing the provisions of the Headquarters Agreement of 11 December 1957 relating to the temporary headquarters of the Agency, have concluded the following supplemental agreement:

Article I

The Republic of Austria grants to the IAEA and the IAEA accepts from the Republic of Austria the right to move to and use for the purposes of the IAEA for an indefinite time the buildings in Vienna I, 11, 13 Kaerntnerring, official map No. 575, within EZ. 575 KG of the City and in Vienna I, Mahlergasse 12, within EZ. 735 KG of the City, together with the equipment and facilities installed in the buildings which are specified in the attached list A² which is a part of this agreement.

¹ This Agreement entered into force on 3 June 1958 upon signature.

² This list is not reproduced in this volume.

Article II

The IAEA shall take possession of the aforesaid buildings subject to certain existing leases specified in the attached list B.¹ The Republic of Austria undertakes to terminate those leases as soon as possible by legal means and to give possession of the premises involved to the IAEA after they have been altered in the same way as provided in Article III.

Article III

The Republic of Austria, at its own expense and in consultation with the IAEA, will alter the buildings to be put in the possession of the latter in accordance with Article I, to meet the reasonable requirements of the IAEA.

These alterations will be finished in the course of the month of July 1958.

Upon termination of the alterations the IAEA will take possession of the premises by an authorized person and will release the Republic of Austria from its obligations with regard to the delivery of the buildings subject of this agreement.

Article IV

The IAEA is entitled to use the altered buildings in accordance with the requirements of the IAEA and has the obligation to return the said buildings upon termination of this agreement to the Republic of Austria in an orderly condition. However, the IAEA is not bound to re-establish the condition of the buildings as they were prior to the alterations executed in accordance with Article III and Article V.

Article V

After the completion of the initial alterations by the Republic of Austria, further alterations may be made by the IAEA at its own expense with the consent of the Republic of Austria.

Article VI

The Republic of Austria will, at its own expense, transfer in stages, to be completed by 15 August 1958, the telephone switchboard which is presently installed in the Musikakademie for the purposes of the IAEA to the buildings which are the subject of this agreement.

Article VII

The alterations to be performed by the Republic of Austria in accordance with Article III do not include the supply of movable furniture and equipment.

Article VIII

After delivery of possession of the buildings subject of this agreement to the IAEA, the IAEA will take care of their orderly maintenance, including installations and facilities of any kind, especially gas, water and current supplies, heating plant, lift, etc., at its own expense. However, the prevention and the repair of major structural damage are the responsibility of the Republic of Austria.

¹ This list is not reproduced in this volume.

Article IX

All current expenses for personnel, maintenance and operation, as well as service charges, are borne by the IAEA. However, the IAEA will not be responsible for any real estate or property taxes or fees, or for any insurance required by law.

After submission of the accounts, the IAEA will reimburse the Republic of Austria for all expenses incurred since 1 April 1958 for personnel, maintenance and operation, as well as service charges with respect to the buildings subject of this agreement which have been advanced by the Republic of Austria.

Article X

For use of the premises subject of this agreement, the IAEA shall pay to the Republic of Austria a yearly nominal rent of AS 1.- payable for the first time on 1 August 1958 and thereafter every first day of August of the following years.

Article XI

This present agreement is irrevocable on the part of the Republic of Austria.

The IAEA may terminate this agreement on six months' written notice.

Article XII

If in time the IAEA needs more office space than it enjoys in the buildings put in its possession in accordance with the present agreement, the Council of Ministers of the Republic of Austria will give sympathetic consideration to a request by the IAEA that the Republic should construct two additional floors of the buildings at its own expense.

Article XIII

If the premises described in this supplemental agreement, including the two floors which may be erected according to Article XII, should not suffice for the needs of the IAEA for its temporary headquarters, the Republic of Austria will endeavour, in consultation with the IAEA, to provide the Agency with other additional office facilities.

Article XIV

All fees payable in connexion with this supplemental agreement are borne by the Republic of Austria.

Article XV

The legal relations between the IAEA and the Republic of Austria in regard to the buildings which are the subject of this agreement in so far as they are not covered by this agreement are exclusively governed by the Agreement between the Republic of Austria and the IAEA regarding the Headquarters of the IAEA, of 11 December 1957, and by public international law.

54. EXCHANGE OF LETTERS CONSTITUTING A SUPPLEMENTAL AGREEMENT ON TURNOVER TAXES FOR THE PURPOSE OF IMPLEMENTING ARTICLE VIII, SECTION 22 (b), OF THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE REPUBLIC OF AUSTRIA REGARDING THE HEADQUARTERS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY, VIENNA, 17 JULY 1958¹

17 July 1958

Sir,

The Agreement between the International Atomic Energy Agency and the Republic of Austria regarding the Headquarters of the International Atomic Energy Agency provides in Article VIII, Sec. 22 (b):

“ In so far as the Government for important administrative considerations, may be unable to grant the IAEA exemption from indirect taxes which constitute part of the cost of goods purchased by or services rendered to the IAEA, the Government shall reimburse the IAEA for such taxes by the payment, from time to time, of lump sums to be agreed upon by the IAEA and the Government. It is, however, understood that the IAEA shall not claim reimbursement with respect to minor purchases. ”

This Note contains a proposal to implement the above-quoted provisions with regard to turnover taxes by a Supplemental Agreement; the terms are the following:

The International Atomic Energy Agency (hereinafter referred to as the IAEA) and the Federal Government of the Republic of Austria, for the purpose of implementing the provision of Article VIII, Sec. 22(b) of the Agreement between the International Atomic Energy Agency and the Republic of Austria regarding the Headquarters of the International Atomic Energy Agency (hereinafter referred to as the Headquarters Agreement) of 11 December 1957, have agreed as follows:

1. Article VIII, Sec. 22 (b) of the Headquarters Agreement provides for the reimbursement, in lump sums, of indirect taxes, in so far as the general exemption from taxation cannot be granted to the IAEA. This reimbursement of turnover taxes which constitute part of the cost of goods purchased by or services rendered to the IAEA will be effectuated in the following manner:

(a) The IAEA shall transmit every six months a list of the cost of all transactions and services for which a reimbursement of turnover taxes is claimed, to the Federal Ministry of Finance of the Republic of Austria, the first list covering the period from the entry into force of the Headquarters Agreement until 30 June 1958. Such lists will not contain so-called “ minor purchases ”, i.e. expenses where the total sum paid is less than AS. 20,000. With respect to running accounts, the final balance for an accounting period will be considered as the total sum paid.

(b) The reimbursement will amount to 5½ per cent of the total sum paid. For goods of Austrian origin, this sum will be increased by another 2 per cent in compensation for turnover taxes charged in prior phases.

¹ This Agreement entered into force on 17 July 1958, but with effect from the date of entry into force of the Headquarters Agreement—see *supra*.

It is understood that reimbursement for foreign goods which are purchased directly from an Austrian importer will amount to 5¼ per cent, and that there is no ground for any reimbursement for goods which were imported directly by the IAEA.

2. A reimbursement of turnover taxes for purchases of the Commissary (Sec. 38 (j) (iii) of the Headquarters Agreement) shall be made only in so far as such purchases concern foodstuffs and alimentary products.

3. Upon request, the IAEA will authorize the Austrian authorities concerned with the determination and reimbursement of the amounts involved, to inspect the bills and vouchers which are the basis for the lists forwarded.

4. This Supplemental Agreement enters into force with effect from the date of entry into force of the Headquarters Agreement.

Subject to the agreement by the Austrian Government, this Note and a Note confirming its acceptance will constitute the Supplemental Agreement implementing, to this extent, the provisions of the Headquarters Agreement.

Accept, Sir, the assurances of my highest consideration.

(Signed) W. Sterling COLE
Director-General

Vienna, 17 July 1958

Sir,

I have the honour to refer to your letter of even date, which in German has the following text:

(Here follows the text of the immediately preceding letter.)

I have the honour to confirm that this proposal for a Supplemental Agreement has been approved by the Federal Government of the Republic of Austria.

Accept, Sir, the assurances of my highest consideration.¹

(Signed) Leopold FIGL

Mr. W. Sterling Cole,
Director-General
of the International Atomic Energy Agency,
Vienna.

55. EXCHANGE OF LETTERS CONSTITUTING A SUPPLEMENTAL AGREEMENT ON THE ESTABLISHMENT OF AN AGENCY COMMISSARY FOR THE PURPOSE OF IMPLEMENTING ARTICLE XV, SECTION 38 (j) (iii), OF THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE REPUBLIC OF AUSTRIA REGARDING THE HEADQUARTERS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY. VIENNA, 17 JULY 1958²

17 July 1958

Sir,

The Agreement between the International Atomic Energy Agency and the Republic of Austria regarding the Headquarters of the International

¹ This letter was written in German.

² This Agreement entered into force on 17 July 1958, but with effect from 15 August 1958 according to Article IX thereof.

Atomic Energy Agency provides in Article XV, Section 38 (j) that officials of the IAEA as defined in Article I, Section I (o) have:

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

- (i) Their furniture and effects in one or more separate shipments, and thereafter to import necessary additions to the same;
- (ii) One automobile every four years;
- (iii) Subject to a Supplemental Agreement to be concluded between the IAEA and the Government, limited quantities of certain articles for personal use or consumption, and not for gift or sale.

This Note contains a proposal for a Supplemental Agreement envisaged under (iii) of the above-quoted provision; the terms are the following:

The International Atomic Energy Agency (hereinafter referred to as the IAEA) and the Federal Government of the Republic of Austria, for the purpose of implementing the provisions of Article XV, Section 38 (j) (iii) of the Agreement between the International Atomic Energy Agency and the Republic of Austria regarding the Headquarters of the International Atomic Energy Agency (hereinafter referred to as the Headquarters Agreement) of 11 December 1957, have agreed as follows:

The Federal Minister for Foreign Affairs
of the Republic of Austria,
Vienna I,
Austria

Article I

The importation of limited quantities of articles for personal use and consumption (except automobiles, furniture and personal effects, to which the provisions of Article XV, Section 38 (j) (i) and (ii) apply) will be effectuated by a service within the IAEA called the "Commissary". Regulations to be issued by the Director-General of the IAEA will ensure that this privilege is used consistently with the provisions of the Headquarters Agreement and especially that the imported commodities shall not be used for gift or sale. Such regulations will be communicated to the Austrian Government for information.

Article II

The following categories of persons shall have access to the Commissary: Officials of the IAEA, Governors and Resident Representatives to the IAEA including their alternates, advisers and experts having diplomatic status.

Article III

The categories of articles which may be imported and sold by the Commissary are listed in the appendix which forms part of this Supplemental Agreement.

Article IV

The persons mentioned in Article II shall be entitled to purchase such quantities of goods as they require for their personal use and that of their dependants. Austrians and stateless persons resident in Austria who are officials of the IAEA shall be entitled to purchase tobacco products and

spirits in limited quantities only (600 cigarettes or the equivalent in tobacco products, and two bottles of spirits per month).

Article V

Officials of the IAEA enjoying diplomatic status, Governors and Resident Representatives to the IAEA, notwithstanding other privileges they may have by virtue of that status, are additionally entitled to purchase goods for official entertaining by them.

Article VI

If the IAEA establishes a restaurant and cafeteria for personnel and guests, the officer in charge of such facilities shall be entitled to purchase from the Commissary any quantities of articles necessary for the operation of these facilities.

Article VII

Informal consultation as may be necessary will be arranged at the administrative level concerning technical details of this Supplemental Agreement.

Article VIII

In order to develop experience concerning the privilege of Austrian nationals and stateless persons to use the Commissary, which is hereby granted them by the Austrian Government, this Supplemental Agreement will be in force for a year ¹ and shall then be reconsidered and, if necessary, amended by mutual agreement.

Article IX

The provisions of this Supplemental Agreement shall enter into force on 15 August 1958.

Subject to the agreement by the Austrian Government, this Note and a Note confirming its acceptance will constitute the Supplemental Agreement relating to Article XV, Section 38 (j) (iii) of the Headquarters Agreement.

Accept, Sir, the assurances of my highest consideration.

(Signed) W. Sterling COLE
Director-General

APPENDIX

List of articles permitted to be stocked by the Commissary of the Agency pursuant to the Agreement between the IAEA and the Federal Government of the Republic of Austria.

Tobacco products and smoking equipment.

Alcoholic beverages.

Non-alcoholic beverages.

Foodstuffs and alimentary products.

Household electrical appliances, including transformers for such items, up to an amount of \$50 per item.

¹ The duration of the Agreement was extended until 31 December 1961 by means of an exchange of letters between the Federal Minister for Foreign Affairs of Austria (letter dated 24 July 1959) and the Director-General of the Agency (letter dated 7 August 1959).

Cosmetics and toilet articles (including perfumes and cleansing articles), medical supplies and pharmaceuticals excluding those requiring a doctor's control.

Writing and wrapping materials, including printed and greeting cards.

Photographic materials, with the exception of cameras.

Women's and men's underwear and hosiery, infant equipment and apparel for children of pre-school age.

Newspapers, books and magazines.

Phonograph records.

Vienna, 17 July 1958

Sir,

I have the honour to refer to your letter of even date, which in German has the following text:

(Here follows the text of the immediately preceding letter.)

I have the honour to confirm that this proposal for a Supplemental Agreement has been approved by the Federal Government of the Republic of Austria.

Accept, Sir, the assurances of my highest consideration.

(Signed) Leopold FIGL

Mr. W. Sterling Cole,
Director General
of the International Atomic Energy Agency,
Vienna

(Here follows the text of the Appendix to the immediately preceding letter.)

56. AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) AND THE FEDERAL GOVERNMENT OF THE REPUBLIC OF AUSTRIA CONCERNING THE SOCIAL INSURANCE OF OFFICIALS OF THE IAEA. SIGNED AT VIENNA, ON 29 DECEMBER 1958¹

Having regard to Section 25 of the Agreement of 11 December 1957 between the IAEA and the Republic of Austria regarding the Headquarters of the IAEA (hereinafter referred to as the Headquarters Agreement) which provides that:

“The IAEA shall be exempt from all compulsory contributions to, and officials of the IAEA shall not be required by the Government to participate in, any social security scheme of the Republic of Austria,”

and in view of Section 26 of the Headquarters Agreement which provides that:

“The Government shall make such provisions as may be necessary to enable any official of the IAEA who is not afforded social security coverage by the IAEA to participate, if the IAEA so requests, in any social security scheme of the Republic of Austria. The IAEA shall, in so far as possible, arrange, under conditions to be agreed upon, for the participation in the Austrian social security system of those locally recruited members of its

¹ This Agreement entered into force on 29 December 1958 upon signature, but with effect from 1 January 1959 according to Article VIII, section 14 thereof.

staff to whom it does not grant social security protection at least equivalent to that offered under Austrian law,”

the IAEA and the Federal Government of the Republic of Austria have agreed as follows:

Article I

Section 1

For the purpose of this Agreement the term “officials” shall be understood to mean those officials of the IAEA designated in Section 1 (o) of the Headquarters Agreement, who are Austrian citizens or stateless persons resident in Austria, and are considered as locally recruited members of the IAEA staff within the meaning of Section 26 of the Headquarters Agreement.

Section 2

Pursuant to the following provisions of this Agreement officials shall participate in the Austrian general social security scheme or in individual sections thereof and in the Austrian unemployment insurance scheme like other persons who are compulsorily insured.

Section 3

Officials insured in accordance with Section 2 above shall have the same rights and obligations as employees compulsorily insured in the corresponding section of the Austrian general social security scheme or in the Austrian unemployment insurance scheme.

Article II

Section 4

Officials who are “full participants” in the United Nations Joint Staff Pension Fund shall, without prejudice to the provisions of Section 8 of this Agreement, participate in the Austrian health insurance scheme and, during their probationary period, also in the Austrian unemployment insurance scheme.

Section 5

Officials who are “associate participants” in the United Nations Joint Staff Pension Fund shall participate in the Austrian health insurance scheme without prejudice to the provisions of Section 8 of this Agreement, and also in the Austrian pension and unemployment insurance schemes.

Section 6

Officials not referred to in Sections 4 and 5 shall, with the exception of persons engaged for short-term service in accordance with the IAEA Staff Regulations, participate in the Austrian general social security scheme and in the unemployment insurance scheme.

Section 7

Employees of the IAEA who are Austrian citizens and who are engaged for short-term service in accordance with the IAEA Staff Regulations shall be insured in the same way as employees of Austrian nationality working for other employers who enjoy extraterritorial rights.

*Article III**Section 8*

Instead of participating in the Austrian health insurance scheme, the officials referred to in Sections 4 and 5 of this Agreement may opt to join one of the contractual insurance schemes approved by the IAEA with effect from the day of joining. This right of option must be exercised within one month after taking up employment, after a change of the employment contract or after the entry into force of this Agreement, whichever date is the latest. Where the right of option is exercised, the health insurance shall cease at the end of the calendar day before the day of joining the contractual insurance scheme.

*Article IV**Section 9*

In order to simplify the payment of social insurance contributions for insured officials, the IAEA shall make arrangements, giving the required notifications, for these contributions to be paid to the competent social insurance institutions or authorities designated by the Federal Ministry for Social Administration.

Section 10

For officials who are not participants in the Austrian health insurance scheme, the basis for contributions which would be applicable under that scheme shall be applied for unemployment insurance.

*Article V**Section 11*

The Director-General of the IAEA and the Federal Ministry for Social Administration shall take the administrative measures for the implementation of this Agreement, if necessary by mutual consent.

*Article VI**Section 12*

For the settlement of differences between the IAEA and the Federal Government of the Republic of Austria concerning the interpretation or implementation of this Agreement, Section 51 of the Headquarters Agreement shall be applicable.

*Article VII**Section 13*

The IAEA declares its willingness to provide the Federal Ministry for Social Administration, upon request, with the required information concerning its officials, provided that such information is required for implementation of the provisions of Section 26 of the Headquarters Agreement.

*Article VIII**Section 14*

This Agreement shall enter into force on 1 January 1959. It shall cease to be in force:

- (a) By mutual consent of the IAEA and the Federal Government of the Republic of Austria;
- (b) If the Headquarters Agreement ceases to be in force.

Section 15

The IAEA and the Federal Government of the Republic of Austria agree that, if the permanent headquarters of the IAEA is removed from the territory of the Republic of Austria, they will take joint action for the orderly termination and liquidation of all arrangements made under this Agreement. It is, however, understood that the termination of this Agreement or the removal of the headquarters of the IAEA from the territory of the Republic of Austria shall not impair the rights which officials or former officials of the IAEA have acquired for themselves or for their dependants under this Agreement.

57. AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) AND THE REPUBLIC OF AUSTRIA CONCERNING THE REGULATION OF PENSION INSURANCE FOR OFFICIALS OF THE IAEA. SIGNED AT VIENNA, ON 12 FEBRUARY 1959 ¹

Taking into account that certain officials of the IAEA have acquired periods of contributory service under the Austrian pension scheme, and

in order that certain officials may be credited with contributory service under the Austrian pension scheme for the period of their employment with the IAEA after such employment is terminated, the IAEA and the Republic of Austria have agreed as follows:

Article I

Section 1

For the purpose of this Agreement, the term "officials" shall be understood to mean officials of the IAEA who are Austrian nationals or stateless persons resident in Austria and are full participants in the United Nations Joint Staff Pension Fund (hereinafter referred to as the Pension Fund).

Article II

Section 2

Periods during which officials have been employed with the IAEA shall be considered as "neutral" periods in the pension scheme as laid down in the relevant provisions of the Austrian General Social Security Act.

Article III

Section 3

In application, by analogy, of the pension insurance provisions under the Austrian General Social Security Act relating to entry into employment not subject to compulsory pension insurance, an official may request, within a period of limitation of six months after his application to join the Pension Fund has become effective, the pension insurance institution concerned to pay the transferable sum of money required by law to the IAEA; any contributions which have been credited for contributory months in respect

¹ This Agreement entered into force on 3 July 1959 upon an exchange of notes between the Director-General of the Agency and the Federal Chancellor of Austria, but with retroactive effect from 1 October 1958 as provided in article VI, section 9 thereof.

of voluntary insurance or additional insurance shall also be transferred. The amount not representing contributions for voluntary or additional insurance shall be applied by the IAEA for the benefit and on behalf of the official to credit him with contributions for benefits from the Pension Fund. The unused amount and the amount representing contributions for voluntary and additional insurance shall be remitted to the official.

Section 4

If an official, upon termination of his employment with the IAEA, has no claim on behalf of himself or his survivors to current benefits or to the actuarial equivalent of his retirement benefits from the Pension Fund, the pension insurance provisions under the Austrian General Social Security Act relating to termination of employment not subject to compulsory pension insurance shall apply as appropriate, in accordance with Section 5 of this Agreement, without prejudice to Section 6.

Section 5

The IAEA agrees to inform the Austrian pension insurance institution concerned of the termination of employment of officials in the circumstances referred to in Section 4 of this Agreement within two weeks after such termination. The said pension insurance institution shall notify officials whose employment is terminated, within three months after termination, of their obligation to pay the pension insurance institution within three months after the effective date of notification, the transferable sums under Section 4 and contributions transferred to the IAEA under Section 3. In the event of delay in payment, interest shall be payable on the amount due at the current discount rate of the Austrian National Bank. The IAEA shall not be required to pay any transferable sum.

Section 6

If female officials leaving the employment of the IAEA for reason of their marriage, or officials leaving such employment in order to emigrate, have no claim on behalf of themselves or their survivors to current benefits or to actuarial equivalent of their retirement benefits from the Pension Fund, the pension insurance provisions under the Austrian General Social Security Act relating to termination of employment not subject to compulsory pension insurance shall apply; in such case the officials may pay to the pension insurance institution concerned any transferable sum under Section 4 and contributions paid to the IAEA under Section 3 within a period of limitation of six months after their withdrawal from the Pension Fund. This provision shall only apply in the case of marriage if the official leaves the employment of the IAEA not more than six months before and not more than six months after marriage, and in the case of emigration if the official emigrates not more than six months after leaving such employment. The IAEA shall not be required to pay any transferable sum.

Article IV

Section 7

The Director-General of the IAEA and the Federal Ministry for Social Administration shall take the administrative measures required for the implementation of this Agreement, if necessary, by mutual agreement.

*Article V**Section 8*

For the settlement of disputes between the IAEA and the Federal Government of the Republic of Austria concerning the interpretation or implementation of this Agreement, Section 51 of the Agreement of 11 December 1957 between the International Atomic Energy Agency and the Republic of Austria regarding the Headquarters of the International Atomic Energy Agency shall be applicable.

*Article VI**Section 9*

This Agreement shall enter into force after an exchange of notes between the Director-General of the IAEA and the representative of the Federal President of the Republic of Austria, [10] with retroactive effect from 1 October 1958.

Section 10

The Agreement shall cease to be in force:

(a) By mutual consent of the IAEA and the Federal Government of the Republic of Austria;

(b) If the permanent Headquarters of the IAEA is removed from the territory of the Republic of Austria. In this case, the IAEA and the competent Austrian authorities shall take joint action for the orderly termination and liquidation of all arrangements made under this Agreement.

Section 11

The termination of this Agreement shall not impair the rights which the officials concerned or former officials have acquired thereunder for themselves or for their dependants.

Section 12

The provisions of this Agreement shall apply to officials who are or have been participants in the Pension Fund before the entry into force of this Agreement, subject to the condition that the periods specified in Sections 3, 5 and 6 shall begin to run from the day on which the exchange of notes provided for in Section 9 takes place.

Section 13

Consultations for amendment of this Agreement shall be initiated at the request of the IAEA or the Federal Government of the Republic of Austria. Any such amendment shall be made by mutual consent.

58. AGREEMENT¹ ON THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY²

Whereas Article XV. C of the Statute of the International Atomic Energy Agency provides that the legal capacity, privileges and immunities referred

¹ Registered with the Secretariat of the United Nations, No. 5334.

² Approved by the Board of Governors on 1 July 1959. In accordance with section 38, the Agreement came into force as between the Agency and the following States on the dates of deposit with the Director-General of this Agency of the respective instruments of acceptance as indicated below:

Finland	29 July	1960
Federal Republic of Germany	3 August	1960

(with reservation) (See *infra*)

to in that Article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director-General acting under the instructions of the Board of Governors, and the Members;

Whereas an Agreement Governing the Relationship between the Agency and the United Nations has been adopted in accordance with Article XVI of the Statute; and

Whereas the General Assembly of the United Nations, contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various agencies brought into relationship with the United Nations, has adopted the Convention on the Privileges and Immunities of the Specialized Agencies, and a number of Members of the United Nations have acceded thereto;

The Board of Governors

1. *Has approved*, without committing the Governments represented on the Board, the text below, which in general follows the Convention on the Privileges and Immunities of the Specialized Agencies; and

2. *Invites* the Members of the Agency to consider and, if they see fit, to accept this Agreement.

Article I

DEFINITIONS

Section 1

In this Agreement:

(i) The expression "the Agency" means the International Atomic Energy Agency;

(ii) For the purposes of Article III, the words "property and assets" shall also include property and funds in the custody of the Agency or administered by the Agency in furtherance of its statutory functions;

(iii) For the purposes of Articles V and VIII, the expression "representatives of Members" shall be deemed to include all Governors, representatives, alternates, advisers, technical experts and secretaries of delegations;

(iv) In sections 12, 13, 14 and 27, the expression "meetings convened by the Agency" means meetings:

(1) Of its General Conference and of its Board of Governors;

(2) Of any international conference, symposium, seminar or panel convened by it; and

(3) Of any committee of any of these bodies;

(v) For the purposes of Articles VI and IX, the expression "officials of the Agency" means the Director-General and all members of the staff of the Agency except those who are locally recruited and assigned to hourly rates.

Article II

JURIDICAL PERSONALITY

Section 2

The Agency shall possess juridical personality. It shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property and (c) to institute legal proceedings.

Article III

PROPERTY, FUNDS AND ASSETS

Section 3

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

Section 4

The premises of the Agency shall be inviolable. The property and assets of the Agency, 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.

Section 5

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

Section 6

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

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

(b) The Agency may freely transfer its funds, gold or currency from one country to another or within any country and convert any currency held by it into any other currency.

Section 7

The Agency shall, in exercising its rights under section 6, pay due regard to any representations made by the Government of any State party to this Agreement in so far as it is considered that effect can be given to such representations without detriment to the interests of the Agency.

Section 8

The Agency, its assets, income and other property shall be:

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

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

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

Section 9

While the Agency will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property

which form part of the price to be paid, nevertheless when the Agency is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Agreement will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article IV

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 10

The Agency shall enjoy, in the territory of each State party to this Agreement and as far as may be compatible with any international conventions, regulations and arrangements to which that State is a party, for its official communications, treatment not less favourable than that accorded by the Government of such a State to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes for posts and telecommunications, and press rates for information to the press and radio.

Section 11

No censorship shall be applied to the official correspondence and other official communications of the Agency.

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

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Agreement and the Agency.

Article V

REPRESENTATIVES OF MEMBERS

Section 12

Representatives of Members at meetings convened by the Agency shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;

(b) Inviolability for all papers and documents;

(c) The right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State which they are visiting or through which they are passing in the exercise of their functions;

(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 in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Section 13

In order to secure for the representatives of Members of the Agency at meetings convened by the Agency complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 14

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members of the Agency at meetings convened by the Agency are present in a Member State for the discharge of their duties shall not be considered as periods of residence.

Section 15

Privileges and immunities are accorded to the representatives of Members, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Agency. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 16

The provisions of sections 12, 13 and 14 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

Article VI

OFFICIALS

Section 17

The Agency shall from time to time make known to the Governments of all States parties to this Agreement the names of the officials to whom the provisions of this Article and of Article IX apply.

Section 18

- (a) Officials of the Agency shall:
- (i) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity.
 - (ii) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the Agency and on the same conditions as are enjoyed by officials of the United Nations;
 - (iii) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
 - (iv) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;

- (v) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;
- (vi) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

(b) Officials of the Agency shall, while exercising the functions of an inspector under Article XII of the Statute of the Agency or those of a project examiner under Article XI thereof, and while travelling in their official capacity en route to and from the performance of these functions, enjoy all the additional privileges and immunities set forth in Article VII of this Agreement so far as is necessary for the effective exercise of such functions.

Section 19

The officials of the Agency shall be exempt from national service obligations, provided that, in relation to the States of which they are nationals, such exemption shall be confined to officials of the Agency whose names have, by reason of their duties, been placed upon a list compiled by the Director-General of the Agency and approved by the State concerned.

Should other officials of the Agency be called up for national service, the State concerned shall, at the request of the Agency, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Section 20

In addition to the privileges and immunities specified in sections 18 and 19 above, the Director General of the Agency, including any official acting on his behalf during his absence from duty, shall be accorded on behalf of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys on behalf of themselves, their spouses and minor children, in accordance with international law. The same privileges and immunities, exemptions and facilities shall also be accorded to a Deputy Director-General or official of equivalent rank of the Agency.

Section 21

Privileges and immunities are granted to officials in the interest of the Agency only and not for the personal benefit of the individuals themselves. The Agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Agency.

Section 22

The Agency shall co-operate at all times with the appropriate authorities of Member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this Article.

Article VII

EXPERTS ON MISSIONS FOR THE AGENCY

Section 23

Experts (other than officials coming within the scope of Article VI) serving on committees of the Agency or performing missions for the Agency,

including missions as inspectors under Article XII of the Statute of the Agency and as project examiners under Article XI thereof, shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

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

(b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Agency;

(c) Inviolability for all papers and documents;

(d) For the purposes of their communications with the Agency, 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 and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;

(f) The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Section 24

Nothing in sub-paragraphs (c) and (d) of section 23 shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Agreement and the Agency.

Section 25

Privileges and immunities are granted to the experts of the Agency in the interests of the Agency and not for the personal benefit of the individuals themselves. The Agency shall have the right and the duty to waive the immunity of any expert in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Agency.

Article VIII

ABUSES OF PRIVILEGE

Section 26

If any State party to this Agreement considers that there has been an abuse of a privilege or immunity conferred by this Agreement, consultations shall be held between that State and the Agency to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the Agency, the question whether an abuse of a privilege or immunity has occurred shall be settled by a procedure in accordance with section 34. If it is found that such an abuse has occurred, the State party to this Agreement affected by such abuse has the right, after notification to the Agency, to withhold from the Agency the benefits of the privilege or immunity so abused. However, the withholding of privileges or immunities must not

interfere with the Agency's principal activities or prevent the Agency from performing its principal functions.

Section 27

Representatives of Members at meetings convened by the Agency, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 1 (v), shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country, provided that:

(a) Representatives of Members, or persons who are entitled to the immunities provided in section 20, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country;

(b) In the case of an official to whom section 20 is not applicable, no order to leave the country shall be issued by the territorial authorities other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the Director-General of the Agency; and, if expulsion proceedings are taken against an official, the Director-General of the Agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

Article IX

LAISSEZ-PASSER

Section 28

Officials of the Agency shall be entitled to use the United Nations *laissez-passer* in conformity with administrative arrangements concluded between the Director-General of the Agency and the Secretary-General of the United Nations. The Director-General of the Agency shall notify each State party to this Agreement of the administrative arrangements so concluded.

Section 29

States parties to this Agreement shall recognize and accept the United Nations *laissez-passer* issued to officials of the Agency as valid travel documents.

Section 30

Applications for visas, where required, from officials of the Agency holding United Nations *laissez-passer*, when accompanied by a certificate that they are travelling on the business of the Agency, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 31

Similar facilities to those specified in section 30 shall be accorded to experts and other persons who, though not holders of United Nations *laissez-passer*, have a certificate that they are travelling on the business of the Agency.

Section 32

The Director-General, the Deputy Directors-General and other officials of a rank not lower than head of division of the Agency, travelling on United Nations *laissez-passer* on the business of the Agency, shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

Article X

SETTLEMENT OF DISPUTES

Section 33

The Agency shall make provision for appropriate modes of settlement of:

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

(b) Disputes involving any official or expert of the Agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with sections 21 or 25.

Section 34

Unless in any case it is agreed by the parties to have recourse to another mode of settlement, all differences arising out of the interpretation or application of the present Agreement shall be referred to the International Court of Justice, in accordance with the Statute of the Court. If a difference arises between the Agency and a Member and they do not agree on any other mode of settlement, a request shall be made for an advisory opinion on any legal question involved, in accordance with Article 96 of the Charter of the United Nations and Article 65 of the Statute of the Court and the relevant provisions of the agreement concluded between the United Nations and the Agency. The opinion given by the Court shall be accepted as decisive by the parties.

Article XI

INTERPRETATION

Section 35

The provisions of this Agreement shall be interpreted in the light of the functions with which the Agency is entrusted by its Statute.

Section 36

The provisions of this Agreement shall in no way limit or prejudice the privileges and immunities which have been, or may hereafter be, accorded to the Agency by any State by reason of the location in the territory of that State of the Agency's Headquarters or regional offices or of officials, experts, materials, equipment or facilities in connexion with Agency projects or activities, including the application of safeguards to an Agency project or other arrangement. This Agreement shall not be deemed to prevent the conclusion between the Agency and any State party thereto of supplemental agreements adjusting the provisions of this Agreement or extending or curtailing the privileges and immunities thereby granted.

Section 37

This Agreement shall not itself operate so as to abrogate, or derogate from, any provisions of the Statute of the Agency or any rights or obligations which the Agency may otherwise have, acquire or assume.

Article XII

FINAL PROVISIONS

Section 38

This Agreement shall be communicated to every Member of the Agency for acceptance. Acceptance shall be effected by the deposit with the Director-General of an instrument of acceptance, and the Agreement shall come into force as regards each Member on the date of deposit of the Member's instrument of acceptance. It is understood that, when an instrument of acceptance is deposited on behalf of any state, that State will be in a position under its own law to give effect to the terms of this Agreement. The Director-General shall transmit a certified copy of this Agreement to the Government of every State now or hereafter becoming a Member of the Agency, and shall inform all Members of the deposit of each instrument of acceptance and of the filing of any notification of denunciation provided for in section 39.

It shall be permissible for a Member to make reservations to this Agreement. Reservations may be made only at the time of the deposit of the Member's instrument of acceptance, and shall immediately be communicated by the Director-General to all Members of the Agency.

Section 39

This Agreement shall continue in force as between the Agency and every Member which has deposited an instrument of acceptance for so long as that Member remains a Member of the Agency, or until a revised agreement has been approved by the Board of Governors and that Member has become a party to this revised agreement, provided that if a Member files a notification of denunciation with the Director-General, this Agreement shall cease to be in force with respect to such Member one year after the receipt of such notification by the Director-General.

Section 40

At the request of one-third of the States parties to this Agreement, the Board of Governors of the Agency shall consider whether to approve amendments thereto. Amendments approved by the Board shall enter into force upon their acceptance in accordance with the procedure provided in section 38.

Note: Reservation by the Federal Republic of Germany with respect to article VI, section 18 (a) (ii) of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency:

“The Government of the Federal Republic of Germany, while accepting the agreement of the Agency's privileges and immunities by depositing the necessary document, emphasizes the fact that it reserves, with reference to art. VI, Section 18 a (ii) of said agreement, the right to tax citizens of the Federal Republic of Germany inasmuch as this right has not been renounced by double taxation treaties.”