

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1966

Part One. Legal status of the United Nations and related inter-governmental organizations

Chapter II. Treaty provisions concerning the legal status of the United Nations and related inter-governmental organizations



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Chapter II

TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

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

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

The following States acceded to the Convention on the Privileges and Immunities of the United Nations in 1966:²

<i>State</i>	<i>Date of receipt of instrument of accession³</i>
Gambia	1 August 1966 ^d
Malawi	17 May 1966
Singapore	18 March 1966 ^d

This brought up to 95 the number of States parties to this Agreement.

2. AGREEMENTS RELATING TO MEETINGS AND INSTALLATIONS

- (a) Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations. Signed at Lake Success on 26 June 1947⁴

- (i) Supplemental Agreement⁵ between the United Nations and the United States of America regarding the Headquarters of the United Nations. Signed at New York on 9 February 1966.

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

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

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

⁴ United Nations, *Treaty Series*, vol. 11, p. 12.

⁵ Came into force on the date of signature.

The United States of America and the United Nations:

Considering that the office space available within the Headquarters District as defined in Annex 1 to the Agreement Regarding the Headquarters of the United Nations signed at Lake Success on 26 June 1947 is inadequate and it has become necessary for units of the Secretariat of the United Nations to be provided with other premises outside the area so delineated;

Considering that, for this purpose, the United Nations has acquired the building and long-term lease to the land known as 805-7 First Avenue (801 United Nations Plaza) and 343 East 45th Street in the Borough of Manhattan and has also acquired a five-year lease of certain office space in the Alcoa Plaza Associates Building in New York City;

Considering that it is desirable that, with respect to those premises, the United Nations, officials of the United Nations, and Representatives of the Members of the United Nations be accorded the necessary privileges and immunities as envisaged in Article 105 of the Charter of the United Nations and in the Headquarters Agreement; and

Desiring to conclude a supplemental agreement, in accordance with Section 1 (a) of the Headquarters Agreement, in order to include those premises within the Headquarters District in addition to the area defined in Annex 1 to the Headquarters Agreement;

Have agreed as follows:

Article I

The Headquarters District, within the meaning of Section 1 (a) of the Agreement between the United States of America and the United Nations Regarding the Headquarters of the United Nations, signed at Lake Success on 26 June 1947, shall include, in addition to the area defined in Annex 1 to that Agreement, the following premises:

(1) All of the office building known as 805-7 First Avenue (801 United Nations Plaza) and 343 East 45th Street, located on a parcel of land in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

“Beginning at a point formed by the inter-section of the Westerly side of First Avenue and the Northerly side of 45th Street; running thence Westerly along the Northerly side of 45th Street 100 feet; thence Northerly parallel with First Avenue and part of the way through a party wall 80 feet; thence Easterly parallel with 45th Street 20 feet; thence Southerly parallel with First Avenue 39 feet 7 inches; thence again Easterly parallel with 45th Street and part of the way through another party wall 80 feet to the Westerly side of First Avenue; thence Southerly along the Westerly side of First Avenue 40 feet 5 inches to the point or place of beginning.”

Provided, however, that the foregoing shall not include those parts of the building on the street floor and basement which are sublet to the Ninth Federal Savings and Loan Association of New York City and to the Radnor Delicatessen, Inc. (with an assignment to Deli-Napoli, Inc.) until such time as the United Nations shall occupy and use those parts for offices of the Secretariat.

(2) That part of the Alcoa Plaza Associates Building located at 866 United Nations Plaza, New York City, as identified by the cross-hatching on the plan annexed hereto [Not reproduced]. Said premises shall include all offices, rooms, halls and corridors located on the third floor of said building within the space identified by said cross-hatching. These premises shall further include the remainder of the third floor from the date that the United Nations takes possession thereof. Said premises shall not, however, include any stairways and elevators giving public access to other floors.

Article II

The Secretary-General of the United Nations shall notify the Permanent Representative of the United States to the United Nations immediately should any of the premises described in Article I, or any part of such premises, cease to be used for offices by the Secretariat of the United Nations. Such premises, or such part thereof, shall cease to be a part of the Headquarters District from the date of such notification.

Article III

The Secretary-General of the United Nations shall notify the Permanent Representative of the United States to the United Nations immediately of the termination of any subleases of parts of the premises described in Article I and of the possession of such parts by the United Nations. Such parts of such premises shall become a part of the Headquarters District from the date of such occupation.

Article IV

This Supplemental Agreement shall enter into force upon its signature.

IN WITNESS WHEREOF the respective representatives have signed this Supplemental Agreement.

DONE in duplicate, in the English language, at New York this ninth day of February, 1966.

For the Government
of the United States of America
Arthur J. GOLDBERG
*Permanent Representative
of the United States of America
to the United Nations*

For the United Nations
U THANT
Secretary-General

- (ii) Exchange of notes constituting an agreement⁶ between the United Nations and the United States of America amending the Supplemental Agreement reproduced above. New York, 8 December 1966.

I

The Secretary-General

8 December 1966

Sir,

I have the honour to propose that the Supplemental Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations, concluded on 9 February 1966 in pursuance of Section 1 (a) (2) of the Headquarters Agreement of 26 June 1947, be amended by adding to the end of Article I of the said Supplemental Agreement the following paragraph:

“(3) That part of the sixth floor of the Alcoa Plaza Associates Building located at 866 United Nations Plaza, New York City, as indicated on the plan annexed hereto [Not reproduced]. Said premises shall include all offices, rooms, halls and corridors located on the sixth floor of said building within the space identified on said plan. These premises shall further include additional parts of the sixth floor from the date that the

⁶ Came into force on 8 December 1966.

United Nations takes possession thereof. Said premises shall not, however, include any stairways and elevators giving public access to other floors.”

I further propose that this note and your reply accepting the terms thereof be considered as constituting an amendment to the Supplemental Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations of 9 February 1966, and that this amendment enter into force on the date of your reply.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General

His Excellency
Mr. Arthur J. GOLDBERG
*Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the United States
of America to the United Nations
New York, N.Y.*

II

The Permanent Representative of the United States of America to the United Nations

December 8, 1966

Excellency:

I have the honor to acknowledge the receipt of your note of this date proposing that the Supplemental Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations, concluded on February 9, 1966 in pursuance of Section 1 (a)(2) of the Headquarters Agreement of June 26, 1947, be amended by adding to the end of Article I of the said Supplemental Agreement the following paragraph:

[See note I]

The Government of the United States of America considers, in accordance with your proposal, that your note and this note in reply constitute an amendment to the Supplemental Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations of February 9, 1966, and that this amendment enters into force on the date of this reply note.

Accept, Excellency, the renewed assurances of my highest consideration.

Arthur J. GOLDBERG

His Excellency U THANT
*Secretary-General
United Nations
New York, N.Y.*

(b) Agreement between the United Nations and Brazil concerning the seminar on apartheid, to be held in Brasilia from 23 August to 5 September 1966.⁷ Signed at New York on 24 March 1966.

Article V

Facilities, privileges and immunities

1. The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the seminar. Accordingly, officials of the United Nations performing

⁷ Came into force on the date of signature.

functions in connexion with the seminar shall enjoy the privileges and immunities provided under articles V and VII of the said Convention.

2. Officials of the specialized agencies attending the seminar in pursuance of paragraph 1 (c) of article II [on participation in the seminar] of this Agreement shall be accorded the privileges and immunities provided under articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies.

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

4. All participants and all persons performing functions in connexion with the seminar, who are not nationals of Brazil, shall have the right of entry into and exit from Brazil. They shall be granted facilities for speedy travel. Visas, entry and exit permits, where required, shall be granted free of charge.

- (c) Agreement between the United Nations and Senegal relating to a United Nations seminar on human rights in developing countries to be held at Dakar from 8 to 22 February 1966.⁸ Signed at New York on 12 January 1966.

Article V

Facilities, privileges and immunities

[Similar to article V in (b) above, with the omission of the words "entry and exit permits" after "visas" in the last sentence of paragraph 4]

- (d) Agreement between the United Nations and Hungary concerning the seminar on participation in local administration as a means of promoting human rights to be held at Budapest from 14 to 27 June 1966.⁹ Signed at New York on 4 March 1966.

Article V

Facilities, privileges and immunities

[Similar to article V in (b) above]

- (e) Agreement between the United Nations and the Philippines relating to the seminar on measures required for the advancement of women with special reference to the establishment of a long-term programme.¹⁰ Signed at New York on 5 April 1966.

Article V

Facilities, privileges and immunities

[Similar to article V in (b) above]

⁸ Came into force on the date of signature.

⁹ Came into force on the date of signature.

¹⁰ Came into force on the date of signature.

- (f) Agreement between the United Nations and Jamaica relating to a United Nations seminar on the effective realization of civil and political rights at the national level, to be held at Kingston from 25 April to 8 May 1967.¹¹ Signed at Kingston on 24 November 1966 and at New York on 6 December 1966.

Article V

Facilities, privileges and immunities

[Similar to article V in (b) above]

- (g) Agreement between the United Nations and Italy regarding the arrangement for the second session of the Governing Council of the United Nations Development Programme.¹² Signed at Geneva and Rome, on 23 May 1966.

I. *Premises, equipment, utilities and stationery supplies*

...

7. Any damage to the premises in the Conference area or injury to persons using such premises or damage to furniture or equipment provided by the Government shall be made good at the expense of the Government without prejudice to the Government's right of recourse as long as such right is not contrary to the present Agreement.

...

II. *Transportation*

The Government shall provide at its expense three chauffeur-driven cars and one chauffeur-driven station-wagon for use by the officers and staff of the Conference and shall ensure adequate car service between the Fiera Milano and their hotels for staff members working during the evening. Any damage to persons or property caused or suffered in using transportation referred to in this section shall be made good at the expense of the Government, without prejudice to the Government's right of recourse as long as such right is not contrary to the present Agreement.

...

IV. *Local personnel for the Conference*

...

3. The Government agrees to indemnify and save harmless the United Nations from any and all actions, causes of actions, claims or other demands arising out of the employment for the United Nations of the personnel referred to in this section.

...

VI. *Privileges and immunities*

1. The Convention on the Privileges and Immunities of the United Nations, to which the Republic of Italy is a party, shall be applicable with respect to the Conference and, in particular, officials of the United Nations connected with the Conference shall be accorded the privileges and immunities specified therein.

2. Representatives of States non-members of the United Nations attending the Conference shall enjoy the same privileges and immunities as accorded representatives of States Members of the Organization by the Convention on the Privileges and Immunities of the United Nations.

¹¹ Came into force on 6 December 1966.

¹² Came into force on the date of signature.

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

4. For the purpose of this Conference, the area designated under article I, section 1, shall be deemed to constitute United Nations premises, within the meaning of the provisions of article II, section 2, of the Convention on the Privileges and Immunities of the United Nations, of 13 February 1946, so that the United Nations shall enjoy the privileges and immunities provided thereby. Access to the Conference area and to the Office space therein shall be under control and authority of the United Nations.

5. The Government shall in particular impose no impediment to transit to and from the Conference of any persons whose presence at the Conference is authorized by the United Nations and of any persons of their immediate families, and shall grant any visa required for such persons promptly and without charge.

VII. *Import duties and taxes*

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

(h) Agreement between the United Nations and Tunisia regarding the organization of the Second United Nations Regional Cartographic Conference for Africa.¹³ Signed at Addis Ababa on 4 August 1966.

II. *Premises, equipment, utilities and stationery supplies*

...

7. [Similar to article I, paragraph 7, in (g) above]

...

IV. *Transportation*

...

2. [Similar to the second sentence of article II in (g) above]

...

5. [Similar to article IV, paragraph 3, in (g) above]

...

VIII. *Privileges and immunities*

1. The Convention on the Privileges and Immunities of the United Nations, to which the Tunisian Government is a party, shall be fully applicable for the purposes of the Conference. Consequently, officials of the United Nations working for the Conference shall enjoy the privileges and immunities specified in articles V and VII of that Convention.

2. Officials of the specialized agencies working for the Conference shall enjoy the privileges and immunities which are accorded by virtue of the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Without prejudice to the provisions set forth in the preceding paragraphs, all participants and all persons working for the Conference shall enjoy the privileges and immunities

¹³ Came into force on the date of signature.

and shall be entitled to the facilities and courtesies necessary for the independent exercise of the functions entrusted to them for the purposes of the Conference.

4. The representatives of Member States or associate members of the United Nations Economic Commission for Africa and the representatives or observers of other States members of the United Nations or of the specialized agencies shall enjoy the privileges and immunities set forth in article IV of the Convention on the Privileges and Immunities of the United Nations.

5. All participants and all persons working for the Conference other than Tunisian nationals shall be free to enter and leave the country. Facilities shall be granted to them for speedy travel. Should they require visas, these shall be issued to them rapidly and free of charge.

(i) Agreement between the United Nations and the Sudan relating to the conduct of a pilot course in photoprocessing and photogrammetry.¹⁴ Signed at Addis Ababa on 8 November 1966.

Article III

Co-operation of the Government

...

6. (a) The Government undertakes to bear full responsibility and shall indemnify the United Nations, and the internationally recruited personnel of the Pilot Course against any third party demands or obligations resulting from activities undertaken in the country in the implementation of their technical functions connected with the present agreement. It is understood that the responsibility of the Government shall not be deemed to include claims arising from wilful or reckless acts or omissions, attributable to the internationally recruited personnel of the Pilot Course.

6. (b) The Government shall not hold the United Nations liable for any damage to facilities, furnishings, services, supplies and equipment provided for the Pilot Course, nor for injury sustained by persons participating in the Pilot Course or using the facilities of the Course.

Article IV

Privileges and immunities

1. The Convention on the Privileges and Immunities of the United Nations to which the Government of the Sudan is a party shall be fully applicable with respect to the Pilot Course. Accordingly, officials of the United Nations performing functions in connexion with the Pilot Course shall enjoy the privileges and immunities provided in articles V and VII of the said Convention.

2. Without prejudice to the provisions of the preceding paragraph, all trainees and all persons performing functions in connexion with the Pilot Course shall enjoy such privileges and immunities, facilities and courtesies, as are necessary for the independent exercise of their functions in connexion with the Pilot Course.

3. Trainees and persons performing functions in connexion with the Pilot Course who are not nationals of the Sudan shall have the right of entry into and exit from the country. They shall be granted facilities for speedy travel. Visas, where required, shall be granted promptly and free of charge.

¹⁴ Came into force on the date of signature.

3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND:
REVISED MODEL AGREEMENT CONCERNING THE ACTIVITIES OF
UNICEF¹⁵

Article VI

Claims against UNICEF

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

Article VII

Privileges and immunities

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

- (a) Agreements between UNICEF and the Governments of Bulgaria, Liberia and Indonesia concerning the activities of UNICEF.¹⁶ Signed respectively at Neuilly-sur-Seine on 23 December 1965, at Dakar on 8 June 1966 and at Djakarta on 17 November 1966.

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

- (b) Revised Agreement between UNICEF and Guinea concerning the activities of UNICEF in Guinea.¹⁷ Signed at Conakry on 14 December 1966 and at Dakar on 22 December 1966.

Article VI

Claims against UNICEF

1. The Government shall assume, subject to the provisions of this article, full responsibility in respect of claims resulting from the execution of Plans of Operations within the territory of the Republic of Guinea.

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

3. In the event of the Government making any payment in accordance with the provisions of paragraph 2 of this article, the Government shall be entitled to exercise and enjoy the benefit of all rights and claims of UNICEF against third persons.

4. This article shall not apply with respect to any claim against UNICEF for injuries incurred by a staff member of UNICEF.

5. UNICEF shall place at the disposal of the Government any information or other assistance required for the handling of any case to which paragraph 2 of this article relates or for the fulfilment of the purposes of paragraph 3.

¹⁵ UNICEF *Field Manual*, vol. II, part IV-2, Appendix A (1 October 1964).

¹⁶ Came into force on the respective dates of signature.

¹⁷ Came into force on 22 December 1966.

Article VII

Privileges and immunities

1. The Government shall apply to UNICEF, as an organ of the United Nations, to its property, funds and assets, and to its officials, the provisions of the Convention on the Privileges and Immunities of the United Nations.

2. No taxes, fees, tolls or duties shall be levied on supplies and equipment furnished by UNICEF so long as they are used in accordance with the Plans of Operations.

4. AGREEMENTS RELATING TO TECHNICAL ASSISTANCE: REVISED STANDARD AGREEMENT CONCERNING TECHNICAL ASSISTANCE¹⁸

Article I

Furnishing of Technical Assistance

...

6. [See *Juridical Yearbook*, 1963, p. 27, with the substitution of the words "the Administrator of the United Nations Development Programme" for "the Executive Chairman of the Technical Assistance Board".]

Article V

Facilities, privileges and immunities

[See *Juridical Yearbook*, 1963, pp. 27 and 28]

(a) Revised Standard Agreement between the United Nations, ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO, and Singapore concerning technical assistance.¹⁹ Signed at Singapore on 23 September 1966.

This agreement contains articles similar to article I, paragraph 6, and article V of the revised standard agreement.

(b) Revised Standard Agreement between the United Nations, ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO and the Democratic Republic of the Congo concerning technical assistance.²⁰ Signed at Kinshasa on 6 August 1966.

Article I

Furnishing of Technical Assistance

...

6. [Similar to article I, paragraph 6, of the revised standard agreement]

Article V

Facilities, privileges and immunities

This article is similar to article V of the revised standard agreement, with the addition of the following paragraph:

¹⁸ Revised May 1966.

¹⁹ Came into force on the date of signature.

²⁰ Came into force on the date of signature.

“3. The Government shall furthermore apply to the various organizations, their property, funds and assets, and to their officials, including technical assistance experts, the provisions of articles II, III, IV, V, VII, VIII, X, XI and XII of the Agreement between the Government of the Democratic Republic of the Congo and the United Nations concerning the United Nations administrative centre at Kinshasa and the privileges and immunities of the Organization and its staff throughout the territory of the Democratic Republic of the Congo.”

This agreement is accompanied by the following exchange of letters:

I

*Letter from the Minister of Foreign Affairs of the
Democratic Republic of the Congo*

Kinshasa, 6 August 1966

Sir,

I have the honour to refer to the Revised Standard Agreement concerning technical assistance concluded this day between the United Nations and its specialized agencies and the Government of the Democratic Republic of the Congo.

In view of the expressed desire of the United Nations to maintain the traditional clauses of the Revised Standard Agreement, the Congolese Government wishes to state the following as regards the interpretation of the provisions below:

1. ...

2. The final clause of article V, paragraph 2, shall apply only if a preferential rate for the purchase or sale of currency is established.

Please inform me of your agreement to the foregoing and accept, Sir, the assurances of my highest consideration.

MR. OSORIO-TAFALL
Resident Representative, United Nations

J. M. BOMBOKO
Minister for Foreign Affairs

II

Letter from the Resident Representative of the United Nations Development Programme

6 August 1966

Sir,

I have the honour to acknowledge receipt of your letter No. 13142/10078/66 of 6 August concerning the Revised Standard Agreement.

I have taken note of the statements in your letter applying to the Agreement, as follows:

[See letter I]

I hereby signify my agreement to this interpretation of the two provisions referred to above and ask you to accept, Sir, the assurances of my highest consideration.

H.E. Mr. Justin Marie BOMBOKO
*Minister for Foreign Affairs
Central Government
Kinshasa*

B. F. OSORIO-TAFALL
Resident Representative

5. AGREEMENTS RELATING TO THE UNITED NATIONS DEVELOPMENT PROGRAMME (SPECIAL FUND): MODEL AGREEMENT CONCERNING ASSISTANCE FROM THE UNITED NATIONS DEVELOPMENT PROGRAMME (SPECIAL FUND)

Article VIII

Facilities, privileges and immunities

[See *Juridical Yearbook*, 1963, p. 31]

Article X

General provisions

...

4. ... [See *Juridical Yearbook*, 1963, p. 32]

Agreements between the United Nations Development Programme (Special Fund) and the Governments of Mongolia, Bulgaria and Singapore concerning assistance from the United Nations Development Programme (Special Fund).²¹ Signed respectively at New York on 26 January 1966, at Sofia on 26 May 1966 and at Singapore on 23 September 1966.

These agreements contain articles similar to article VIII and article X, paragraph 4, of the model agreement.

6. AGREEMENTS RELATING TO OPERATIONAL ASSISTANCE: STANDARD AGREEMENT ON OPERATIONAL ASSISTANCE²²

Article II

Functions of the officers

...

3. [See *Juridical Yearbook*, 1965, p. 37]

Article IV

Obligations of the Government

...

5. [See *Juridical Yearbook*, 1965, pp. 37 and 38]

6. [See *Juridical Yearbook*, 1965, p. 38, with the substitution of the words "the Administrator of the United Nations Development programme" for "the Executive Chairman of the Technical Assistance Board".]

Standard agreements between the United Nations, the ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO, and the Governments of the Congo (Brazzaville), Malta and Singapore on operational assistance.²³ Signed respec-

²¹ Came into force on the respective dates of signature.

²² UNDP, *Field Manual*, Edition II (1 May 1966), section IX-C.

²³ Came into force on the respective dates of signature.

tively at Brazzaville on 5 July 1965, at Malta on 12 May 1966 and at Singapore on 23 September 1966.

These agreements contain articles similar to article II, paragraph 3, and article IV, paragraphs 5 and 6, of the model standard agreement.

7. AGREEMENTS RELATING TO THE SETTLEMENT OF CLAIMS FILED AGAINST THE UNITED NATIONS IN THE CONGO

- (a) Exchange of letters constituting an agreement between the United Nations and Greece relating to the settlement of claims filed against the United Nations in the Congo by Greek nationals.²⁴ New York, 20 June 1966.

I

Letter from the Secretary-General

20 June 1966

Sir,

A number of Greek nationals have lodged with the United Nations claims for damage to persons and property arising from the operations of the United Nations Force in the Congo, particularly those which took place in Katanga. The claims in question have been examined by United Nations officials assigned to assemble all the information necessary for establishing the relevant facts submitted by the claimants or their beneficiaries and any other available information.

The United Nations has agreed that the claims of Greek nationals who may have suffered damage as a result of harmful acts committed by ONUC personnel, and not arising from military necessity, should be dealt with in an equitable manner.

It has stated that it would not evade responsibility where it was established that United Nations agents had in fact caused unjustifiable damage to innocent parties.

It is pointed out that, under these principles, the United Nations does not assume liability for damage to persons or property which resulted solely from military operations or which, although caused by third parties, has given rise to claims against the United Nations; such cases are therefore excluded from the proposed compensation.

Consultations have taken place with the Greek Government. The examination of the claims having now been completed, the United Nations shall, without prejudice to its privileges and immunities, pay to the Greek Government the sum of one hundred thousand United States dollars in outright and final settlement of all claims arising from the causes mentioned in the first paragraph of this letter.

The distribution of the sum referred to in the preceding paragraph shall be effected by the Greek Government. The United Nations shall supply to the Greek Government all information at its disposal which might be useful in effecting the distribution of the sum in question, including the list of individual cases in which the United Nations has considered that it must bear financial responsibility, and any other information relevant to the determination of such responsibility.

Acceptance of the above-mentioned payment shall constitute the outright and final settlement between Greece and the United Nations of all the claims referred to in this letter. It is understood that this settlement does not affect any claims arising from contractual

²⁴ Came into force on 20 June 1966.

relationships between the claimants and the United Nations or those which are at present still handled by United Nations administrative departments, such as ordinary requisitions.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General

His Excellency Mr. Alexis S. LIATIS
*Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Greece to the United Nations
New York, N.Y.*

II

Letter from the Permanent Representative of Greece to the United Nations

20 June 1966

Sir,

I have the honour to acknowledge receipt of your letter of 20 June 1966 concerning the settlement of the problem of claims lodged with the United Nations by Greek nationals or their beneficiaries who suffered damage arising from the operations carried out by the United Nations Force in the Congo, particularly those which took place in Katanga.

I have the honour to inform you that the Greek Government has decided to accept the outright and final settlement which you have proposed. This decision was taken bearing in mind the financial burdens of the Organization in the present situation.

Your letter of 20 June 1966 and my reply constitute an agreement between the United Nations and the Greek Government which takes effect this day.

Accept, Sir, the assurances of my highest consideration.

The Secretary-General
of the United Nations
New York, N.Y.

Alexis S. LIATIS
*Ambassador, Permanent Representative of Greece
to the United Nations*

(b) Exchange of letters constituting an agreement between the United Nations and Luxembourg relating to the settlement of claims filed against the United Nations in the Congo by Luxembourg nationals.²⁵ New York, 28 December 1966.

I

Letter from the Secretary-General

This letter is similar to letter I in (a) above, except for the fourth and fifth paragraphs, which read as follows:

“It is pointed out that, under these principles, the United Nations does not assume liability for damage to persons or property which resulted solely from military operations or which were caused by third parties, such as the Baluba refugees; cases based on such claims are therefore excluded from the proposed compensation.

“Consultations have taken place with the Luxembourg Government. The examination of the claims having now been completed, the United Nations shall, without prejudice to its privileges and immunities, pay to the Luxembourg Government the sum of fifteen thousand United States dollars in outright and final settlement of all claims arising from the causes mentioned in the first paragraph of this letter.”

²⁵ Came into force on 28 December 1966.

II

*Letter from the Permanent Representative of Luxembourg
to the United Nations*

This letter is similar to letter II in (a) above, except that the second paragraph reads as follows:

“I have the honour to inform you that the Luxembourg Government has decided to accept the outright and final settlement which you have proposed.”

8. AGREEMENTS CONCERNING THE SERVICE WITH THE UNITED NATIONS
PEACE-KEEPING FORCE IN CYPRUS OF THE NATIONAL CONTINGENTS
PROVIDED BY GOVERNMENTS

- (a) Exchange of letters constituting an agreement between the United Nations and the United Kingdom of Great Britain and Northern Ireland concerning the service with the United Nations Peace-Keeping Force in Cyprus of the national contingent provided by the Government of the United Kingdom of Great Britain and Northern Ireland.²⁶ New York, 21 February 1966.

I

Letter from the Secretary-General

21 February 1966

Sir,

1. I have the honour to refer to the resolution adopted by the Security Council on 4 March 1964 (S/5575) by which it *inter alia*:

“*Recommends* the creation, with the consent of the Government of Cyprus, of a United Nations peace-keeping force in Cyprus. The composition and size of the force shall be established by the Secretary-General, in consultation with the Governments of Cyprus, Greece, Turkey and the United Kingdom. The commander of the force shall be appointed by the Secretary-General and report to him. The Secretary-General, who shall keep the Governments providing the force fully informed, shall report periodically to the Security Council on its operation;

“*Recommends* that the function of the force should be, in the interest of preserving international peace and security, to use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions;

“*Recommends* that the stationing of the force shall be for a period of three months, all costs pertaining to it being met, in a manner to be agreed upon by them, by the Governments providing the contingents and by the Government of Cyprus. The Secretary-General may also accept voluntary contributions for that purpose;”.

Subsequent resolutions of the Security Council have extended the mandate of the force for successive three-month periods.

²⁶ Deemed to have taken effect as from 27 March 1964, the date that the national contingent provided by the Government of the United Kingdom of Great Britain and Northern Ireland departed from its home country to assume duties with the United Nations Peace-Keeping Force in Cyprus, in accordance with paragraph 14.

2. Pursuant to the resolution of 4 March 1964 the United Nations Force in Cyprus was established operationally on 27 March 1964. By an exchange of letters dated 31 March 1964 an Agreement (S/5634)²⁷ was concluded with the Republic of Cyprus concerning the Status of the Force. Regulations (ST/SGB/UNFICYP/1) for the Force have been issued on 25 April 1964....

3. I wish to express my appreciation to your Government for making available a contingent to serve with the United Nations Force in Cyprus. I should like to take this opportunity to bring to your attention the following considerations relating to the Force, and to propose the conclusion herewith of an agreement concerning the services of your national contingent with the Force.

4. The Regulations referred to above affirm the international character of the Force as a subsidiary organ of the United Nations and define the conditions of service for the members of the Force. National contingents provided for the Force serve under these Regulations.

5. The Regulations and the Agreement referred to in paragraph 2 of this letter also secure to the Force and its individual members the privileges and immunities necessary for the independent exercise of its functions. I should like to direct your attention to the provisions of the Regulations and of the Agreement which provide these privileges and immunities and particularly to article 29 of the Regulations and to paragraphs 10, 11 and 12 of my letter to the Minister of Foreign Affairs of Cyprus. It will be noted that paragraph 11 of this letter states that "Members of the Force shall be subject to the exclusive jurisdiction of their respective national States in respect of any criminal offences which may be committed by them in Cyprus". This immunity from the jurisdiction of Cyprus is based on the understanding that the authorities of the participating States would exercise such jurisdiction as might be necessary with respect to crimes or offences committed in Cyprus by any members of the Force provided from their own military services. It is assumed that the participating States will act accordingly.

6. I should also like to direct your attention to article 2 of the Regulations concerning their authority and to article 13 of the Regulations concerning "Good order and discipline". These articles provide:

"2. *Authority of regulations.* The present Regulations and supplemental instructions and orders issued pursuant thereto shall be binding upon all members of the Force. Contravention thereof shall constitute an offence subject to disciplinary action in accordance with the military laws and regulations applicable to the national contingent to which the offender belongs.

" ...

"13. *Good order and discipline.* The Commander shall have general responsibility for the good order and discipline of the Force. He may make investigations, conduct inquiries and require information, reports and consultations for the purpose of discharging this responsibility. Responsibility for disciplinary action in national contingents provided for the Force rests with the commanders of the national contingents. Reports concerning disciplinary action shall be communicated to the Commander who may consult with the commander of the national contingent and, if necessary, through the Secretary-General with the authorities of the Participating State concerned."

7. In view of the considerations set out in paragraphs 5 and 6 above, I should appreciate your assurance that the commander of the national contingent provided by your Government will be in a position to exercise the necessary disciplinary authority. I should also appreciate

²⁷ See *Juridical Yearbook*, 1964, pp. 40-50.

your assurance that your Government will be prepared to exercise firm and effective jurisdiction with respect to any crime or offence which might be committed by a member of such national contingent and to report to the United Nations in each case on the action taken.

8. The effective functioning of the Force requires that some continuity of service of units with the Force be ensured in order that the Commander may be in a position to plan his operations with knowledge of what units will be available. I should, therefore, appreciate your assurance that the national contingent provided by your Government will not be withdrawn without adequate prior notification to the Secretary-General, so as to avoid the impairment of the ability of the Force to discharge its functions. Likewise, should circumstances render the service of your national contingent with the Force no longer necessary, the Secretary-General undertakes to consult with your Government and to give adequate prior notification concerning its withdrawal.

9. Reference is also made to articles 11 and 12 of the Regulations which deal with "Command authority" and "Chain of command and delegation of authority". Article 12 provides, *inter alia*, that changes in commanders of national contingents which have been made available by participating Governments should be made in consultation among the Secretary-General, the Force Commander, and the appropriate authorities of the participating Government.

10. I should also like to refer to article 40 of the Regulations concerning "Observance of Conventions" which provides:

"The Force shall observe the principles and spirit of the general international Conventions applicable to the conduct of military personnel".

11. The international Conventions referred to in this Regulation include, *inter alia*, the Geneva (Red Cross) Conventions of 12 August 1949 to which your Government is a party and the UNESCO Convention on the Protection of Cultural Property in the event of armed conflict, signed at the Hague on 14 May 1954. In this connexion, and particularly with respect to the humanitarian provisions of these Conventions, it is requested that the Governments of the participating States ensure that the members of their contingents serving with the Force be fully acquainted with the obligations arising under these Conventions and that appropriate steps be taken to ensure their enforcement.

12. (a) Authorities of the participating State will, in accordance with and within their domestic legislation, use their best efforts to bring about settlement of claims and compliance with awards made by a Cypriot court or by the Claims Commission against a member of the contingent of the State with respect to acts committed outside the scope of his official functions.

(b) In addition to the undertaking in subparagraph (a) above, the participating States will, as appropriate, enter into supplementary agreements with the United Nations concerning the settlement of claims arising out of acts committed by a member of their national contingent either within or outside the scope of his official functions.

13. Finally, I suggest that questions involving expenses should be dealt with, in the light of the resolution of the Security Council, in a supplemental agreement. Such other supplementary arrangements concerning the service of your national contingent with the Force may be made as occasion requires.

14. It is the intention that this letter together with your reply accepting the proposals set forth herein shall constitute an agreement between the United Nations and the United Kingdom and shall be deemed to have taken effect from the date that the national contingent provided by your Government departed from its home country to assume duties with the Force. It is also intended that it shall remain in force until such time as your national con-

tingent may be withdrawn from the Force either in accordance with the terms of paragraph 8 above or in the light of developments affecting the functioning of the Force which may render its service no longer necessary. The provisions of paragraph 15 relating to the settlement of disputes should remain in force until all outstanding claims have been settled.

15. It is also proposed that all disputes between the United Nations and your Government concerning the interpretation or application of this agreement which are not settled by negotiation or other agreed mode of settlement shall be referred for final settlement to a tribunal of three arbitrators. One of the arbitrators shall be appointed by the Secretary-General of the United Nations, one by your Government, and the umpire shall be chosen jointly by the Secretary-General and your Government. If the two parties fail to agree on the appointment of the umpire within one month of the proposal of arbitration by one of the parties, the President of the International Court of Justice shall be asked by either party to appoint the umpire. Should a vacancy occur for any reason, the vacancy shall be filled within thirty days by the method laid down in this paragraph for the original appointment. The tribunal shall come into existence upon the appointment of the umpire and at least one of the other members of the tribunal. Two members of the tribunal shall constitute a quorum for the performance of its functions, and for all deliberations and decisions of the tribunal a favourable vote of two members shall be sufficient.

Accept, Sir, the assurances of my highest consideration.

*The Permanent Representative of the United Kingdom
of Great Britain and Northern Ireland
to the United Nations
New York, N.Y.*

U THANT
Secretary-General

II

*Letter from the Permanent Representative of the United Kingdom
of Great Britain and Northern Ireland to the United Nations*

21 February 1966

Your Excellency,

I have the honour to refer to Your Excellency's letter PO 210 CYPR(2), 21 February 1966, concerning the service with the United Nations Force in Cyprus of the national contingent provided by the Government of the United Kingdom of Great Britain and Northern Ireland. In this matter you have proposed that my Government and the United Nations should enter into an agreement in accordance with the terms provided therein.

My Government accepts this proposal and agrees that your letter and this reply shall constitute an agreement between the Government of the United Kingdom and the United Nations. My Government also gives the assurances requested in paragraphs 7 and 8 of your letter and undertakes to meet the request contained in paragraph 11 of your letter.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

His Excellency U THANT
*Secretary-General
United Nations
New York, N.Y.*

CARADON
*Permanent Representative of the United Kingdom
of Great Britain and Northern Ireland
to the United Nations*

- (b) Exchange of letters constituting an agreement between the United Nations and Finland concerning the service with the United Nations Peace-Keeping Force in Cyprus of the national contingent provided by the Government of Finland.²⁸ New York, 21 February 1966.

I

Letter from the Secretary-General

[Similar to letter I in (a) above]

II

*Letter from the Permanent Representative of Finland
to the United Nations*

[Similar to letter II in (a) above]

- (c) Exchange of letters constituting an agreement between the United Nations and New Zealand concerning the service with the United Nations Peace-Keeping Force in Cyprus of the national contingent provided by the Government of New Zealand.²⁹ New York, 21 February 1966.

I

Letter from the Secretary-General

[Similar to letter I in (a) above]

II

*Letter from the Permanent Representative of New Zealand
to the United Nations*

[Similar to letter II in (a) above]

- (d) Exchange of letters constituting an agreement between the United Nations and Canada concerning the service with the United Nations Peace-Keeping Force in Cyprus of the national contingent provided by the Government of Canada.³⁰ New York, 21 February 1966.

I

Letter from the Secretary-General

[Similar to letter I in (a) above]

²⁸ Deemed to have taken effect as from 28 March 1964, the date that the national contingent provided by the Government of Finland departed from its home country to assume duties with the United Nations Peace-Keeping Force in Cyprus, in accordance with paragraph 14.

²⁹ Deemed to have taken effect as of 14 May 1964, the date that the national contingent provided by the Government of New Zealand departed from its home country to assume duties with the United Nations Peace-Keeping Force in Cyprus, in accordance with paragraph 14.

³⁰ Deemed to have taken effect as from 13 March 1964, the date that the national contingent provided by the Government of Canada departed from its home country to assume duties with the United Nations Peace-Keeping Force in Cyprus, in accordance with paragraph 14.

II

Letter from the Permanent Representative of Canada to the United Nations

New York, 21 February 1966

Excellency,

I have the honour to acknowledge receipt of your letter of today's date proposing an agreement between the United Nations and Canada on certain matters relating to Canadian participation in the United Nations Peace-Keeping Force in Cyprus.

My Government agrees to the proposals contained in your letter, is glad to give you the assurances requested in paragraphs 7 and 8 of that letter and concurs with your proposal that your letter and this reply shall constitute an agreement between the United Nations and Canada which shall be deemed to have taken effect from the date on which the Canadian Contingent departed from Canada to assume duties with the United Nations Force.

Yours sincerely,

Paul TREMBLAY

*Permanent Representative of Canada
to the United Nations*

U THANT

*Secretary-General of the United Nations
New York*

- (e) Exchange of letters constituting an agreement between the United Nations and Denmark concerning the service with the United Nations Peace-Keeping Force in Cyprus of the national contingent provided by the Government of Denmark.³¹
New York, 21 February 1966.

I

Letter from the Secretary-General

[Similar to letter I in (a) above]

II

Letter from the Permanent Representative of Denmark to the United Nations

New York, 21 February 1966

Sir,

I have the honour to refer to your letter of 21 February 1966 concerning the services with the United Nations Force in Cyprus of the national contingent provided by the Danish Government. In this letter you have proposed that my Government and the United Nations should enter into an agreement in accordance with the terms provided therein.

The Danish Government accepts this proposal and agrees that your letter and this reply shall constitute an agreement between the Government of Denmark and the United Nations. My Government also gives the assurances requested in paragraphs 7 and 8 of your letter and undertakes to meet the request contained in paragraph 11 of your letter.

³¹ Deemed to have taken effect as from 14 May 1964, the date that the national contingent provided by the Government of Denmark departed from its home country to assume duties with the United Nations Peace-Keeping Force in Cyprus, in accordance with paragraph 14.

In signing the present agreement, my Government declares that the means at the disposal of the Danish authorities to fulfil article 12 of the agreement are the following:

(a) In criminal actions brought by Danish prosecutors before Danish courts against members of the Danish contingent, claims for damages will, upon request by the party having suffered damage, be joined by the prosecutor to the criminal action, where this may be done without inconvenience and the claim does not appear unfounded in cases of criminal prosecution tried by a court on which jurors serve. In police cases and cases tried by lower courts in pursuance of the rules of the Administration of Justice Act on the basis of the accused person's confession, the injured party must himself in pursuance of the same Act submit a petition to the court for his claims to be included in the judgement to be pronounced on the charge brought against the accused person. In such cases the inclusion of the claim for compensation in the judgement may be secured by a petition to that effect being submitted to the court by the Danish Ministry of Foreign Affairs or the Ministry of Justice, acting on behalf of the claimant and on his request.

(b) In cases where a Cypriot court or the Claims Commission has handed down an award against a member of the Danish contingent, the Danish Ministry of Foreign Affairs, if need be, may see to it that he will be urged to satisfy the award.

(c) In cases where particular circumstances warrant it, the Danish Government will consider *ex gratia* payment.

I avail myself of this opportunity to renew to you, Sir, the assurances of my highest consideration.

U THANT
Secretary-General of the United Nations
New York, N.Y.

H. TABOR
Ambassador
Permanent Representative of Denmark
to the United Nations

(f) Exchange of letters (with related letter) constituting an agreement between the United Nations and Sweden concerning the service with the United Nations Peace-Keeping Force in Cyprus of the national contingent provided by the Government of Sweden.³² New York, 21 February 1966.

I

Letter from the Secretary-General

[Similar to letter I in (a) above]

II

Letter from the Permanent Representative of Sweden to the United Nations

New York, 21 February 1966

Sir,

I have the honour to refer to your letter of 21 February 1966 concerning the service with the United Nations Force in Cyprus of the national contingent provided by my Government. In this letter you have proposed that my Government and the United Nations should enter into an agreement in accordance with the terms provided therein.

³² Deemed to have taken effect as from 26 March 1964, the date that the national contingent provided by the Government of Sweden departed from its home country to assume duties with the United Nations Peace-Keeping Force in Cyprus, in accordance with paragraph 14.

My Government accepts this proposal and agrees that your letter and this reply shall constitute an agreement between Sweden and the United Nations. My Government also gives the assurances requested in paragraphs 7 and 8 of your letter.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General of the United Nations
New York

Sverker ÅSTRÖM
Permanent Representative of Sweden
to the United Nations

III

Related letter from the Permanent Representative of Sweden to the United Nations

New York, 21 February 1966

Sir,

In signing the present agreement concerning the service with the United Nations Force in Cyprus of the national contingent provided by my Government, I have the honour to declare that the means at the disposal of Swedish authorities to fulfil article 12 (a) of the agreement are the following:

(a) In criminal actions brought by Swedish prosecutors before Swedish Courts against members of the Swedish contingent, claims for damages will, upon request by the party having suffered damage, be joined by the prosecutor to the criminal action, where this may be done without inconvenience and the claim does not appear unfounded.

(b) In cases where a Cypriot court or the Claims Commission has handed down an award against a member of the Swedish contingent, the Swedish Ministry for Foreign Affairs, if need be, may see to it that he will be urged to satisfy the award.

(c) In cases where particular circumstances warrant it, the Swedish Government will consider *ex gratia* payment.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General of the United Nations
New York

Sverker ÅSTRÖM
Permanent Representative of Sweden
to the United Nations

(g) Exchange of letters constituting an agreement between the United Nations and Australia concerning the service with the United Nations Peace-Keeping Force in Cyprus of the national contingent provided by the Government of Australia.³³ New York, 21 and 25 February 1966.

I

Letter from the Secretary-General

[Similar to letter I in (a) above]

³³ Deemed to have taken effect as from 14 May 1964, the date that the national contingent provided by the Government of Australia departed from its home country to assume duties with the United Nations Peace-Keeping Force in Cyprus, in accordance with paragraph 14.

II

Letter from the Permanent Representative of Australia to the United Nations

21 February 1966

Excellency,

I have the honour to refer to your letter of 21 February 1966 concerning the services with the United Nations Force in Cyprus of the national contingent provided by the Government of Australia. In this matter you have proposed that my Government and the United Nations should enter into an agreement in accordance with the terms provided therein.

My Government accepts this proposal. My Government also gives the assurances requested in paragraphs 7 and 8 of your letter and undertakes to meet the request contained in paragraph 11 of your letter.

In relation to paragraph 12 of your letter, it is the understanding of the Australian Government that the question whether, and the extent to which, the Australian Government should accept any financial obligation in regard to settlement of claims remains a matter for negotiation between the United Nations and the Australian Government.

If this understanding is acceptable to you, I should appreciate your acknowledgement to this effect, and I have the honour to suggest that your letter, this reply and your acknowledgement should be regarded as constituting an agreement between the United Nations and the Government of the Commonwealth of Australia.

Accept, Excellency, the assurances of my highest consideration.

His Excellency U THANT
Secretary-General, United Nations
New York

Patrick SHAW
Permanent Representative

III

Letter from the Secretary-General

25 February 1966

Sir,

I have the honour to refer to our exchange of letters of 21 February 1966 concerning the services with the United Nations Force in Cyprus of the national contingent provided by the Government of Australia. In relation to paragraph 12 of my letter and to the third paragraph of your reply, I wish to confirm the understanding of your Government that the question whether, and the extent to which, the Australian Government should accept any financial obligation in regard to settlement of claims remains a matter for negotiation between the United Nations and the Australian Government. I also agree that my letter of 21 February 1966, your reply of the same date and this acknowledgement should constitute the agreement between the United Nations and the Government of the Commonwealth of Australia.

Accept, Sir, the assurances of my highest consideration.

His Excellency Mr. Patrick SHAW, C.B.E.
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Australia
to the United Nations
New York, N.Y.

U THANT
Secretary-General

- (h) Exchange of letters constituting an agreement between the United Nations and Austria concerning the service with the United Nations Peace-Keeping Force in Cyprus of the national contingent provided by the Government of Austria.³⁴ New York, 21 February 1966.

I

Letter from the Secretary-General

[This letter is similar to letter I in (a) above, except for the following changes:

- (i) The fourth sentence of paragraph 5 reads:

“This immunity from the jurisdiction of Cyprus is based on the understanding that the authorities of the participating States would exercise such jurisdiction as might be necessary with respect to crimes or offences committed in Cyprus by any members of the Force provided by them.”

- (ii) The first sentence of paragraph 7 reads:

“In view of the considerations set out in paragraphs 5 and 6 above, I should appreciate your assurance that the commanders of the two contingents (medical and police) provided by your Government will be in a position to exercise the necessary disciplinary authority.”

- (iii) The first sentence of paragraph 14 reads:

“It is the intention that this letter together with your reply accepting the proposals set forth herein shall constitute an agreement between the United Nations and Austria, and shall enter into force on the date that your reply is received by me.”]

II

Letter from the Permanent Representative of Austria to the United Nations

24 February 1966

Sir,

I acknowledge receipt of your letter of 21 February 1966, which reads as follows:

[See letter I]

I have the honour to inform you that my Government has agreed upon the contents of this text.

Accept, Sir, the assurances of my highest consideration.

*The Secretary-General
of the United Nations
New York, N.Y.*

Dr. Kurt WALDHEIM
*Ambassador
Permanent Representative of Austria
to the United Nations*

³⁴ Came into force on 28 February 1966, the date of receipt by the United Nations of the note in reply.

B. Treaty provisions concerning the Legal Status of inter-governmental organizations related to the United Nations

1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES.³⁵ APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

In 1966, the following States acceded to the Convention, or if already parties undertook by a subsequent notification to apply the provisions of the Convention, in respect of the specialized agencies indicated below:³⁶

<i>State</i>		<i>Date of receipt of instrument of accession or notification</i>	<i>Specialized agencies</i>
Austria	Notification	22 July 1966	FAO—Second revised text of annex II
Brazil	Notification	15 July 1966	FAO—Second revised text of annex II
Byelorussian SSR ³⁷	Accession	18 March 1966	ILO, UNESCO, UPU, ITU, WMO
Czechoslovakia ³⁸	Accession	29 December 1966	WHO, ICAO, ILO, UNESCO, UPU, ITU, WMO, IMCO
Ecuador	Notification	26 July 1966	FAO—Second revised text of annex II
Gambia	Notification of succession ³⁹	1 August 1966	WHO, ICAO, ILO, FAO, UNESCO, UPU, ITU, WMO, IMCO
	Notification	1 August 1966	Bank, Fund, IFC, IDA
Kenya	Notification	3 March 1966	FAO—Second revised text of annex II

³⁵ United Nations, *Treaty Series*, vol. 33, p. 261.

³⁶ The Convention is in force with regard to each State which deposited an instrument of accession and in respect of specialized agencies indicated therein or in a subsequent notification as from the date of deposit of such instrument or receipt of such notification.

³⁷ With the following reservation:

“The Byelorussian Soviet Socialist Republic does not consider itself bound by the provisions of sections 24 and 32 of the Convention, concerning the compulsory jurisdiction of the International Court of Justice. Concerning the jurisdiction of the International Court of Justice in disputes arising out of the interpretation or application of the Convention, the Byelorussian Soviet Socialist Republic will maintain the same position as hitherto, namely, that for any dispute to be referred to the International Court of Justice for settlement, the agreement of all Parties involved in the dispute must be obtained in each individual case. This reservation similarly applies to the provision contained in section 32, stipulating that the advisory opinion of the International Court of Justice shall be accepted as decisive.”

³⁸ With the following reservation:

“The Czechoslovak Socialist Republic does not consider itself bound by the provisions of sections 24 and 32 of the Convention, under which the International Court of Justice has compulsory jurisdiction in disputes arising out of the interpretation or application of the Convention; concerning the competence of the International Court of Justice in such disputes, the Czechoslovak Socialist Republic takes the position that for any dispute to be referred to the International Court of Justice for settlement, the agreement of all Parties involved in the dispute must be obtained in each individual case. This reservation also applies to the provision of section 32 requiring the Parties concerned to accept the advisory opinion of the International Court of Justice as decisive.”

³⁹ By a communication received on 1 August 1966, the Government of the Gambia notified the Secretary-General of the United Nations that it considers itself bound by the present Convention, the application of which had been extended to its territory before the attainment of independence, in respect of the specialized agencies indicated here.

<i>State</i>		<i>Date of receipt of instrument of accession or notification</i>	<i>Specialized agencies</i>
Kuwait	Notification	29 August 1966	FAO—Second revised text of annex II
Madagascar ⁴⁰	Accession	3 January 1966	WHO, ICAO, ILO, FAO, UNESCO, Bank, Fund, UPU, ITU, WMO, IMCO, IFC
	Notification	22 November 1966	FAO—Second revised text of annex II
Malawi	Notification	16 September 1966	FAO—Second revised text of annex II
Morocco	Notification	30 November 1966	FAO—Second revised text of annex II
Netherlands	Notification	9 December 1966	FAO—Second revised text of annex II
Norway	Notification	2 August 1966	FAO—Second revised text of annex II
Senegal	Accession	2 March 1966	WHO, ICAO, ILO, FAO, UNESCO, Bank, Fund, UPU, ITU, WMO, IMCO, IFC, IDA
Singapore	Notification of succession ⁴¹	18 March 1966	WHO, ICAO, ILO, FAO, UNESCO, UPU, ITU, WMO
Thailand	Notification	21 March 1966	FAO—Second revised text of annex II
Trinidad and Tobago	Notification	15 July 1966	FAO—Second revised text of annex II
Ukrainian SSR ⁴²	Accession	13 April 1966	ILO, UNESCO, UPU, ITU, WMO
Union of Soviet Socialist Republics ⁴³	Accession	10 January 1966	WHO, ILO, UNESCO, UPU, ITU, WMO, IMCO

As of 31 December 1966, sixty-one States were parties to the Convention.

⁴⁰ With the following reservation:

“...the Malagasy Government will not be able to comply fully with the provisions of article IV, section 11, of the Convention, which states 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 governments decide to co-operate by according such treatment to the agencies in question.”

⁴¹ By a communication received on 18 March 1966, the Government of Singapore notified the Secretary-General of the United Nations that it considers itself bound by the present Convention, the application of which had been extended to its territory before the attainment of independence, in respect of the specialized agencies indicated here.

⁴² With the following reservation:

“The Ukrainian Soviet Socialist Republic does not consider itself bound by the provisions of sections 24 and 32 of the Convention, concerning the compulsory jurisdiction of the International Court of Justice. Concerning the jurisdiction of the International Court of Justice in disputes arising out of the interpretation or application of the Convention, the Ukrainian Soviet Socialist Republic will maintain the same position as hitherto, namely, that for any dispute to be referred to the International Court of Justice for settlement, the agreement of all Parties involved in the dispute must be obtained in each individual case. This reservation similarly applies to the provision contained in section 32, stipulating that the advisory opinion of the International Court of Justice shall be accepted as decisive.”

⁴³ With the following reservation:

“The Union of Soviet Socialist Republics does not consider itself bound by the provisions of sections 24 and 32 of the Convention, concerning the compulsory jurisdiction of the Inter-

2. INTERNATIONAL LABOUR ORGANISATION

Agreement between the Government of Lebanon and the International Labour Organisation concerning the establishment of an office of the Organisation in Beirut.⁴⁴ Signed at Beirut on 14 May 1966.

Article 2

The Government shall grant to the office of the International Labour Organisation and to the staff of the Organisation assigned to that office the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947 and in Decree No. 12991 of the Lebanese Government of 10 June 1965.

Article 3

The Government shall facilitate the entry into, sojourn in and departure from Lebanon of persons invited to the office of the International Labour Organisation for official purposes.

...

Article 5

The Government of Lebanon shall in general grant to the office of the International Labour Organisation and its staff treatment not less favourable than that accorded to any other specialized agency or to the United Nations itself, and to their staff.

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

(a) Agreement relating to a UNESCO Mission

Exchange of letters between the Government of Brazil and UNESCO concerning the establishment of a post of UNESCO Head of Mission. Signed at Paris on 24 May and 7 June 1966

(2) The Government of Brazil shall apply to the staff of the Mission of UNESCO the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies, to which it has adhered on 22 May 1963

(3) It shall grant to the Head of Mission the right to import an automobile for his personal use, free of all duties and levies and of all prohibitions and restrictions on imports

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

(i) Agreement between the Czechoslovak Government and UNESCO concerning the organization of the meeting of co-ordinators of scientific policy. Signed at Paris on 10 November 1965 and at Prague on 27 January 1966

national Court of Justice. Concerning the jurisdiction of the International Court of Justice in disputes arising out of the interpretation or application of the Convention, the USSR will maintain the same position as hitherto, namely, that for any dispute to be referred to the International Court of Justice for settlement, the agreement of all Parties involved in the dispute must be obtained in each individual case. This reservation similarly applies to the provision contained in section 32, stipulating that the advisory opinion of the International Court of Justice shall be accepted as decisive."

⁴⁴ Came into force on the date of signature.

IV. *Privileges and immunities*

A. The Czechoslovak Government shall apply for the duration of the meeting the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and Annex IV thereof. In particular, no restriction shall be imposed upon the rights of entry into, sojourn in and departure from Czechoslovak territory of any persons, without distinction as to nationality, invited to participate in an official capacity at that meeting.

B. It is understood that no Government officials or persons performing specific tasks in connexion with the meeting shall be considered as agents or staff members of UNESCO, nor, except as otherwise stated, entitled to privileges, immunities and compensation or reimbursement, nor empowered to incur expenses or enter into obligations binding on UNESCO.

- (ii) Letter of Agreement between the Government of the United Arab Republic and UNESCO concerning the Regional Training Course in Soil Biology. Signed at Paris on 25 March 1966 and at Cairo on 30 March 1966

III. *Privileges and immunities*

The Government of the United Arab Republic will apply to the Training Course the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies, to which it has been a party since 28 September 1954, and of Annex IV thereof, it being understood in particular that no restriction shall be imposed upon the rights of entry into, sojourn in and departure from, the territory of the United Arab Republic of any persons entitled to attend this Training Course, without distinction of nationality.

- (iii) Letter of Agreement between the Government of Kenya and UNESCO concerning the Regional Seminar on Educational Statistics for Africa. Signed at Paris on 24 January 1966 and at Nairobi on 7 April 1966

Privileges and immunities

[Similar to article III in (ii) above]

- (iv) Agreement between the Government of Ghana and UNESCO concerning the Pilot Project on "New Approaches and Techniques in Biology Teaching in Africa". Signed at Paris on 12 November 1966 and at Accra on 23 November 1966

III. *Privileges and immunities*

[Similar to article III in (ii) above]

- (v) Agreement between the Government of the Socialist Federal Republic of Yugoslavia and UNESCO concerning the meeting of experts on the study of the seismicity of the Balkan region. Signed at Paris on 4 April 1966 and at Belgrade on 10 May 1966

III. *Privileges and immunities*

[Similar to article III in (ii) above, with the insertion of the words "in an official capacity" before the words "without distinction of nationality"]

- (vi) Agreement between the Government of the Tunisian Republic and UNESCO concerning the training course for specialists in political science and public administration of French-speaking African countries. Signed at Paris on 7 June 1966 and at Tunis on 10 June 1966

3. *Privileges and immunities*

[Similar to article III in (ii) above, with the insertion of the words “in an official capacity” before the words “without distinction of nationality”]

- (vii) Letter of Agreement between the Government of the Netherlands and UNESCO concerning the Symposium on Water in the Unsaturated Zone. Signed at Paris on 4 March 1966 and at The Hague on 4 May 1966

Privileges and immunities

[Similar to article III in (ii) above, with the insertion of the words “in an official capacity” before the words “without distinction of nationality”]

- (viii) Agreement between the Brazilian Government and UNESCO concerning the Inter-American Meeting of Copyright Experts. Signed at Paris on 2 November 1965 and 18 March 1966

II. *Privileges and immunities*

The Government of Brazil shall apply for the duration of the Meeting the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and Annex IV thereof, and shall grant all the privileges, immunities and facilities necessary for that Meeting, it being understood in particular that no restriction shall be imposed on the entry into, sojourn in and departure from Brazilian territory of persons, without distinction of nationality, invited to participate in an official capacity in that Meeting.

- (ix) Agreement between the Government of the Republic of Dahomey and UNESCO concerning the Committee of Experts on the study of cultural relations between Africa and Latin America. Signed at Paris on 25 February 1966 and at Cotonou on 9 March 1966

Privileges and immunities

[Similar to article II in (viii) above]

- (x) Letter of Agreement between the Government of Iraq and UNESCO concerning the Regional Training Course in Hydrology. Signed at Paris on 10 March 1966 and at Baghdad on 21 March 1966

III. *Privileges and immunities*

The Government of Iraq agrees to apply to UNESCO, its officials and experts, for the duration of the Course, the Convention on the Privileges and Immunities of the Specialized Agencies, to which it has been a party since 9 July 1954, and Annex IV thereof, it being understood in particular that no restriction shall be imposed upon the rights of entry into, sojourn in and departure from the territory of Iraq of any persons entitled to attend this Training Course, without distinction of nationality.

- (xi) Letter of Agreement between the Government of India and UNESCO concerning the Seminar on Technical Education in Asia. Signed at Paris on 3 March 1966 and at New Delhi on 17 March 1966

III. *Privileges and immunities*

[Similar to article III in (x) above, with the omission of the words “for the duration of the Course”]

- (xii) Agreement between the Government of the Republic of Costa Rica and UNESCO concerning the Meeting of Experts on Higher Education and Development in Latin America. Signed at Paris on 31 January 1966 and at San José on 28 February 1966

II. *Privileges and immunities*

The Government of Costa Rica shall apply, in all matters pertaining to the Meeting, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and Annex IV thereof relating to UNESCO. In particular, it shall guarantee that no restriction shall be placed on the rights of entry into, sojourn in and departure from the territory of Costa Rica of persons participating in an official capacity in the Meeting, without distinction of nationality.

- (xiii) Agreement between the Government of Argentina and UNESCO concerning the regional course in marine biology. Signed at Paris on 21 June 1966 and 12 December 1966

Privileges and immunities

[Similar to article II in (xii) above with the addition of the words “to which Argentina is a party since 10 October 1963” at the end of the first sentence]

- (xiv) Agreement between the Government of Spain and UNESCO concerning the twelfth meeting of the Executive Committee of the International Campaign to Save the Monuments of Nubia. Signed at Paris on 6 June 1966 and at Madrid on 2 July 1966

III. *Privileges and immunities*

Even though Spain is not a party to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, the Spanish Government shall apply exceptionally in all matters pertaining to the meeting, the provisions of that Convention and Annex IV thereof relating to UNESCO. It shall be understood in particular that no restrictions shall be placed on the rights of entry into, sojourn in and departure from Spain of any of the persons participating in the meeting, without distinction of nationality.

- (xv) Agreement between the Government of the Principality of Monaco and UNESCO concerning the seventh meeting of the Bureau and Consultative Council of the Intergovernmental Oceanographic Commission (IOC). Signed at Paris on 22 July 1966 and at Monaco on 8 September 1966

III. *Privileges and immunities*

The Government of the Principality shall apply to the meeting the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and Annex IV thereof, it being understood in particular that no restrictions shall be imposed on the entry into, sojourn in and departure from the territory of the Principality of persons invited to participate in an official capacity in the meeting, without distinction of nationality.

4. INTERNATIONAL ATOMIC ENERGY AGENCY

Agreement on the Privileges and Immunities of the IAEA.⁴⁵ Approved by the Board of Governors of the Agency on 1 July 1959.

(a) *Deposit of instruments of acceptance*

The following States accepted the Agreement on the Privileges and Immunities of the IAEA in 1966:⁴⁶

<i>State</i>	<i>Date of Deposit of Instrument of Acceptance</i>
Brazil	13 June 1966
Canada ⁴⁷	15 June 1966
Union of Soviet Socialist Republics ⁴⁸	1 July 1966
Ukrainian Soviet Socialist Republic ⁴⁹	5 October 1966
Byelorussian Soviet Socialist Republic ⁵⁰	2 December 1966

⁴⁵ United Nations, *Treaty Series*, vol. 374, p. 147.

⁴⁶ The agreement comes into force as between the Agency and the accepting States on the date of deposit of instruments of acceptance.

⁴⁷ With the following reservation:

“Exemption from liability for any taxes or duties imposed by any law in Canada should not extend to a Canadian citizen residing or ordinarily resident in Canada.”

⁴⁸ With the following reservation:

“The Union of Soviet Socialist Republics does not consider itself bound by the provisions of Sections 26 and 34 of the Agreement, under which there is an obligation to submit to the jurisdiction of the International Court of Justice. With regard to the question of referring to the International Court of Justice differences arising out of the interpretation or application of the Agreement, the USSR adheres as before to the position that the consent of all parties involved in a dispute must be obtained in each individual case before that dispute can be referred to the International Court of Justice. This reservation applies equally to the provision in Section 34 that the opinion given by the Court shall be accepted as decisive.”

⁴⁹ With the following reservation:

“The Ukrainian Soviet Socialist Republic does not consider itself bound by the provisions of Sections 26 and 34 of the Agreement, under which there is an obligation to refer to the International Court of Justice all disputes arising out of the interpretation or application of the Agreement. With regard to the question of the Court’s jurisdiction in respect of such disputes, the Ukrainian SSR continues to take the view that the consent of all parties involved in a dispute must be obtained in each individual case before that dispute can be referred to the International Court of Justice. This reservation applies equally to the provision in Section 34 that the advisory opinion given by the Court shall be accepted by the parties as decisive.”

⁵⁰ With the following reservation:

“The Byelorussian Soviet Socialist Republic does not consider itself bound by the provisions of Sections 26 and 34 of the Agreement, under which there is an obligation to submit to the jurisdiction of the International Court of Justice. With regard to the question of referring to the International Court of Justice differences arising out of the interpretation or application of the Agreement, the Byelorussian SSR adheres as before to the position that the consent of all parties involved in a dispute must be obtained in each individual case before that dispute

This brought up to 25 the number of States parties to this Agreement.

Furthermore, the Government of Pakistan deposited on 18 October 1966 an instrument limiting the possible scope of its original reservation as contained in their Instrument of Acceptance of 16 April 1963.⁵¹

(b) Incorporation of the Agreement by reference in other agreements

(i) Article III, Section 17 of the Agreement between the IAEA, the Government of the Kingdom of Greece and the Government of the United States of America, for the Application of Safeguards (INFCIRC/78); entered into force on 13 January 1966.

(ii) Section 10 of the Master Agreement between the IAEA and the Government of Turkey for Assistance by the Agency in Furthering Projects by the Supply of Materials (INFCIRC/83); entered into force on 8 February 1966.

(iii) Article III, Section 17 of the Agreement between the IAEA, the Government of the Argentine Republic and the Government of the United States of America, for the application of Safeguards (INFCIRC/79); entered into force on 1 March 1966.

(iv) Section 4 (e) of the Project Agreement between the IAEA and the Government of Pakistan Regarding Arrangements for the Transfer of Therapeutic Equipment (INFCIRC/90); entered into force on 15 March 1966.

(v) Article X of the Master Agreement between the IAEA and the Government of Romania for Assistance by the Agency in Furthering Projects by the Supply of Materials; entered into force on 22 April 1966.

(vi) Article III, Section 17 of the Agreement between the IAEA, the Government of Israel and the Government of the United States of America for the Application of Safeguards (INFCIRC/84); entered into force on 15 June 1966.

(vii) Article III, Section 19 of the Agreement between the IAEA, the Government of Canada and the Government of Japan for the application of Agency Safeguards in Respect of the Bilateral Agreement between those Governments for Co-operation in the Peaceful Uses of Atomic Energy (INFCIRC/85); entered into force on 20 June 1966.

(viii) Section 6 of the Annex to the Agreement between the IAEA and the Government of the United Mexican States for Assistance by the Agency to Mexico in Establishing a Sub-Critical Assembly Project (INFCIRC/82, II, Annex); entered into force on 29 June 1966.

(ix) Part V, Section 15 of the Agreement between the IAEA and the Government of the United Kingdom of Great Britain and Northern Ireland for the Application of Safeguards with Regard to the Bradwell Nuclear Power Station (INFCIRC/86, I); entered into force on 1 September 1966.

(x) Part V, Section 23 of the Agreement between the IAEA, the Government of the Commonwealth of Australia and the Government of the United States of America for the Application of Safeguards (INFCIRC/91); entered into force on 26 September 1966.

(xi) Article VI, Section 8 of the Agreement between the IAEA and the Government of the Republic of the Philippines for Assistance by the Agency to the Philippines in Continuing a Reactor Project (INFCIRC/88, II); entered into force on 28 September 1966.

can be referred to the International Court of Justice. This reservation applies equally to the provision in Section 34 that the opinion given by the Court shall be accepted as decisive.”

⁵¹ See *Juridical Yearbook*, 1963, p. 49. The amended reservation reads as follows:

“... the concessions and privileges conferred by the Agreement on the employees of the Agency, other than those which also follow from Article XV of the Statute, such as immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity, should not be applicable to the Pakistani nationals serving on the staff of the Agency in Pakistan.”

(xii) Part V, Section 23 of the Agreement between the IAEA, the Government of Spain and the Government of the United States of America for the Application of Safeguards (INFCIRC/92); entered into force on 9 December 1966.

(xiii) Section 10 of the Master Agreement between the IAEA and the Government of India for Assistance by the Agency in Furthering Projects by the Supply of Materials; entered into force on 9 December 1966.
