

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

1973

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

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



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## Chapter II

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

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

#### 1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS.<sup>1</sup> APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 FEBRUARY 1946

In 1973, no additional State acceded to the Convention on the Privileges and Immunities of the United Nations. As of 31 December 1973, 107 States were parties to the Convention.<sup>2</sup>

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

##### (a) Agreement between the United Nations and India concerning arrangements for the third session of the Committee on Natural Resources.<sup>3</sup> Signed at New York on 29 January 1973

This agreement contains provisions similar to articles VI, VII and VIII of an agreement between the United Nations and Kenya, reproduced on p. 19 of the *Juridical Yearbook*, 1971.

##### (b) Agreement between the United Nations and Panama regarding the arrangement for the meetings of the Security Council to be held at Panama City from 15 to 21 March 1973.<sup>4</sup> Signed at Panama City on 6 February 1973

This agreement contains provisions similar to articles I, II and VII of an agreement between the United Nations and Ethiopia, reproduced on p. 19 of the *Juridical Yearbook*, 1972.

##### (c) Agreement between the United Nations and Italy concerning arrangements for the United Nations Seminar on youth and human rights to be held at San Remo, Italy, from 28 August to 10 September 1973.<sup>5</sup> Signed at New York on 14 June 1973

This agreement contains articles similar to articles V and VI of an agreement between the United Nations and Yugoslavia, reproduced on p. 28 of the *Juridical Yearbook*, 1970.

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<sup>1</sup>United Nations, *Treaty Series*, vol. 1, p. 15.

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

<sup>3</sup>Came into force on the date of signature.

<sup>4</sup>Came into force on 2 March 1973.

<sup>5</sup>Came into force on the date of signature.

- (d) Agreement between the United Nations and the United Republic of Tanzania relating to the Seminar on the study of new ways and means for promoting human rights with special attention to the problems and needs of Africa, to be held in Dar es Salaam from 23 October to 5 November 1973.<sup>6</sup> Signed at New York on 2 and 3 July 1973

This agreement contains articles similar to articles V and VI of the agreement referred to under (c) above.

- (e) Agreement between the United Nations and the Dominican Republic concerning arrangements for the Seminar on the Status of Women and Family Planning to be held in Santo Domingo, Dominican Republic, from 9 to 22 May 1973.<sup>7</sup> Signed at Santo Domingo on 30 April 1973

This agreement contains provisions similar to articles V and VI of the agreement referred to under (c) above except that

(i) the last part of paragraph 4 of article V from the words “and, when applications are made . . .” is omitted;

(ii) article VI reads as follows:

“The provisions of article [I], paragraph 6, of the Agreement concerning technical assistance signed on 20 February 1964 between the Government of the Dominican Republic and the United Nations shall apply in respect of this Seminar.”

- (f) Memorandum of Understanding between the United Nations and the United Kingdom of Great Britain and Northern Ireland relating to the seminar on the family in a changing society to be held in London from 18 to 31 July 1973.<sup>8</sup> Signed at New York on 25 April and 1 May 1973

This memorandum of understanding contains provisions similar to those of article V of the agreement referred to under (c) above except that paragraphs 3 and 4 read as follows:

“3. For the purpose of this seminar, and in order to ensure to all participants in the seminar, as listed in Article II of this Memorandum of Understanding, the effective and independent exercise of their functions in the United Kingdom in connexion with the seminar, those persons invited by the Secretary-General to participate in the seminar under subparagraphs (a), (b), (e) and (f) of Article II of this Memorandum of Understanding will be designated by him as experts on mission for the United Nations and will be accorded the treatment provided in Article VI of the Convention on the Privileges and Immunities of the United Nations.

“4. All persons enumerated in Article II of this Memorandum of Understanding and all persons performing functions in connexion with the seminar who are not nationals of the United Kingdom will be immune from immigration restrictions and alien registration. They will be granted facilities for speedy travel. No charge will be made for the issue, where required, of visas or entry permits.”

The Memorandum of Understanding does not contain any provision similar to article VI (Liability) of the agreement referred to under (c) above.

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<sup>6</sup>Came into force on 3 July 1973.

<sup>7</sup>Came into force on the date of signature.

<sup>8</sup>Came into force on 1 May 1973.

- (g) Agreement between the United Nations and Egypt regarding the arrangements for the Symposium on Population and Development to be held at Cairo from 4 to 14 June 1973.<sup>9</sup> Signed at New York on 29 May 1973

This agreement contains provisions similar to articles V and VI of the agreement referred to under (c) above except that paragraphs 1 and 2 of article V are replaced by a single paragraph reading as follows:

“1. The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Symposium. Accordingly, officials and experts of the United Nations performing functions in connexion with or participating in the Symposium shall enjoy the privileges and immunities provided under Articles V, VI and VII of the said Convention.”

- (h) Agreement between the United Nations and Sweden regarding the arrangements for the symposium on population, resources and environment to be held at Stockholm from 26 September to 5 October 1973.<sup>10</sup> Signed at New York on 14 September 1973

This agreement contains provisions similar to articles V and VI of the agreement referred to under (c) above except that paragraph 3 and the last sentence of paragraph 4 of article V are omitted.

- (i) Agreement between the United Nations and France on the Summer Course for remote earth sensing to be held at Tarbes, France, from 21 August to 20 September 1973 (with exchange of letters).<sup>11</sup> Signed at New York on 20 August 1973.

This agreement contains provisions similar to articles V and VI of the agreement referred to under (c) above except that:

- (i) an additional paragraph reading as follows has been inserted between paragraphs 2 and 3 of article V:

“3. Persons participating in the Course under the terms of article II (a) and (b) of this Agreement [i.e., duly qualified participants designated by Governments who are invited to the Course and accepted by the United Nations and duly qualified participants who are invited to the Course by the host Government] shall enjoy the privileges and immunities accorded to experts on mission in conformity with article VI of the Convention on the Privileges and Immunities of the United Nations.”;

- (ii) article VI reads as follows:

*“Liability*

*1. The Government shall exempt the United Nations and its personnel from all liability in respect of:*

*(a) Injury or damage to person or property in the premises referred to in article IV-3 (a) and (b) above;*

*(b) Injury or damage to person or property caused or incurred in using transportation referred to in article IV-3 (f) and (g) above.*

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<sup>9</sup>Came into force on the date of signature.

<sup>10</sup>Came into force on the date of signature.

<sup>11</sup>Came into force on the date of signature.

2. Liability as aforementioned shall be assumed by the Government except where the injury or damage to person or property caused by participants referred to in article II of this Agreement rules from gross misconduct, an act or an omission with intent to cause injury or damage.”

This agreement is accompanied by an exchange of letters reading in part as follows:

I

Permanent Mission of France  
to the United Nations  
20 August 1973

“... I have the honour to confirm the interpretation which the French Government gives to article V, paragraph 5, concerning the movement of persons:

“It is understood that the French Government will issue the necessary visas, save in the highly exceptional cases of persons banned from French territory. Visas are to be obtained by addressing applications to the French foreign missions (embassies or consulates) in the countries of residence of the persons concerned.”

II

United Nations  
20 August

“... ”

“I should like to confirm the agreement of the United Nations to the interpretation given by the Government of the French Republic to article V, paragraph 5, of [the] Agreement, concerning the movement of persons.”

- (j) Agreement between the United Nations and Argentina concerning the organization of technical panels on the practical applications of space technology.<sup>12</sup> Signed at New York on 29 November 1973

This agreement contains provisions similar to articles V and VI of the agreement referred to above under (c) except that an additional paragraph along the lines of the paragraph reproduced above under (i) has been inserted between paragraphs 2 and 3 of article V.

- (k) Exchange of letters constituting an agreement between the United Nations and Norway regarding the International Conference of Experts in Support of Victims of Colonialism and *Apartheid* in Southern Africa, to be held in Oslo from 9 to 14 April 1974.<sup>13</sup> New York, 8 March 1973

I

Permanent Mission of  
Norway to the United Nations  
7 March 1973

... ”

The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Conference. The Government of Norway undertakes to apply to

<sup>12</sup>Came into force on 29 November 1973.

<sup>13</sup>Came into force on 8 March 1973.

participants who are representatives of African Liberation Movements those provisions of the Convention which refer to representatives of members, and to individual experts those provisions which refer to experts on mission for the United Nations. The privileges and immunities granted under the Convention to officials of the United Nations shall also be applied by the Government to officials of the Organization of African Unity performing functions in connexion with the Conference. The Convention on the Privileges and Immunities of the Specialized Agencies shall be applicable with respect to officials of such agencies attending the Conference.

All participants and persons performing functions in connexion with the Conference who are not nationals of Norway shall have the right of entry into and exit from Norway. Visas and entry permits, where required, shall be granted by the Government free of charge and as speedily as possible.

...

The Government shall hold the United Nations and its personnel harmless in respect of any actions relating to the above aspects of the activities of the Conference, save as such actions arise out of the gross negligence or wilful misconduct of United Nations personnel.

## II

United Nations  
8 March 1973

... I have the honour to confirm that the foregoing provisions are acceptable by the United Nations and that your Excellency's letter and this reply shall be regarded as constituting an agreement between Norway and the United Nations on the matter.

(I) Agreement between the United Nations and the United States of America on the Symposium on Population and the Family, to be held in Honolulu from 6 to 15 August 1973 (with annexed Supplementary Agreement between the United Nations and the East-West Center of the University of Hawaii).<sup>14</sup> Signed at New York on 1 August 1973 and at Washington on 6 August 1973

(i) Articles V and VI of the Agreement

### ARTICLE V

#### *Privileges and Immunities*

1. Officials and experts of the United Nations, and representatives of the specialized agencies of the United Nations, performing functions in connexion with or participating in the symposium shall enjoy the privileges and immunities provided for such individuals under the Convention on the Privileges and Immunities of the United Nations and in the International Organizations Immunities Act, Public law 291, 79th Congress,<sup>15</sup> as amended.

2. The Government shall give customs clearance between the port of entry and the site of the symposium for the documentation and supplies, required for the symposium, which are entitled under the Convention on the Privileges and Immunities of the United Nations or the International Organizations Immunities Act to inviolability or to exemption from customs duties, prohibitions or restrictions on imports and exports.

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<sup>14</sup>Came into force on 6 August 1973.

<sup>15</sup>United Nations Legislative Series, *Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations*, vol. I (ST/LEG/SER.B/10), p. 128.

## ARTICLE VI

### *Visas*

1. Nominal rolls of the participants referred to in Article II shall be forwarded in due course by the United Nations to the Government through the United States Mission to the United Nations.

2. Upon application for visas by duly invited or designated participants, as referred to herein,

(a) when such application is made at least two and a half weeks before the opening of the session, visas shall be granted as speedily as possible but not later than two weeks prior to the opening of the session; and

(b) when such application is not made at least two and a half weeks before the opening of the session, visas shall be granted as speedily as possible but not later than three days from receipt of the application.

(ii) Article V of the Supplementary Agreement between the United Nations and the East-West Center of the University of Hawaii

### *Liability*

The East-West Center shall be responsible for dealing with any actions, claims or other demands arising out of (a) injuries or damages to person or property in the premises referred to in Article II, section 3(a) and (b); (b) injury or damage to person or property caused or incurred in using the transportation referred to in Article II, section 3(i); (c) the employment of the personnel referred to in Article II, sections 2 and 3(e), (f) and (g) and the East-West Center shall hold the United Nations and its personnel harmless in respect of any such action, claims or other demands.

...

(m) Memorandum of understanding between the United Nations and Japan concerning the Seventh United Nations Regional Cartographic Conference, for Asia and the Far East to be convened in Tokyo from 15 to 27 October 1973.<sup>16</sup> Signed at New York on 1 October 1973

## VI. *Privileges and Immunities*

1. The Conventions on the Privileges and Immunities of the United Nations and of the Specialized Agencies, to which Japan is a party, will be applicable with respect to the Conference and to the participants therein.

2. During the period of the Conference, the area referred to in article I above, will be made available for the exclusive use of the United Nations and, therefore, will be deemed to constitute United Nations premises.

3. The Government will impose no impediment to transit to and from the Conference of the following categories of persons attending the Conference: representatives of States and their immediate families; representatives of specialized agencies and intergovernmental organizations and their immediate families; officials of the United Nations and their immediate families; observers of nongovernmental organizations who may be invited to attend the Conference; representatives of the press or of radio, television, film or other information agencies accredited by the United Nations at its discretion after consultation with the Government; and other persons officially invited to the Conference by the United Nations. Any visa required for such persons will be granted promptly and without charge.

4. The Government will take necessary measures to ensure, in accordance with the provisions of the Convention on the Privileges and Immunities of the United Nations:

<sup>16</sup>Came into force on the date of signature.

(a) the exemption from customs duties and prohibitions and restrictions on imports and exports of articles imported or exported by the United Nations for its official use, and

(b) the issuance of necessary import and export permits without delay with respect to all supplies needed by the United Nations for the Conference, including those required for official entertainment.

...

### VIII. *Liability for Claims*

The Government will secure appropriate insurance, in relation to any activity connected with the Conference, covering any damage that might occur in Japan to any participant and any claim that might be made against the United Nations or its officials.

(n) Agreement between the United Nations and Romania regarding the arrangements for the World Population Conference, 1974.<sup>17</sup> Signed at New York on 18 October 1973

### ARTICLE XIII

#### *Liability*

[This article is similar to article VI of the agreement referred to under (c) above except that an additional sentence reading as follows has been added at the end of the article:

“The United Nations shall cooperate with the Government to enable it to discharge its responsibilities under this Article.”]

### ARTICLE XIV

#### *Privileges and immunities*

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 and the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, as ratified by the Socialist Republic of Romania, shall be applicable in respect of the Conference.

2. Representatives of States Members of the United Nations invited to the Conference shall enjoy the privileges and immunities accorded by Article IV of the Convention on the Privileges and Immunities of the United Nations. Representatives of other States Members of the specialized agencies or of the International Atomic Energy Agency invited to the Conference shall enjoy the privileges and immunities accorded by Article V of the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Members of the United Nations secretariat of the Conference shall enjoy the privileges and immunities provided by Articles V, VI and VII of the Convention on the Privileges and Immunities of the United Nations.

4. Representatives of the specialized agencies or of 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.

5. The personnel provided by the Government under Article XI of this Agreement shall enjoy immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity in connexion with the Conference.

6. Without prejudice to the Convention on the Privileges and Immunities of the United Nations, all persons performing functions in connexion with the Conference and all those

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<sup>17</sup>Came into force on the date of signature.

invited to the Conference shall enjoy the necessary privileges, immunities and facilities in connexion with their participation in the Conference.

7. The Government shall impose no impediment to transit to and from the Conference for the following categories of persons:

(a) the persons referred to in Article II and their families, as well as members of the United Nations secretariat of the Conference and their families;

(b) representatives of information media referred to in Article III;

(c) participants in recognized parallel activities referred to in Article IV.

8. Any entry or exit visa required for such persons shall be granted immediately on application and without charge.

9. For the purpose of the application of the Convention on the Privileges and Immunities of the United Nations, conference premises shall be deemed to constitute premises of the United Nations and access thereto shall be under the control and authority of the United Nations for the whole duration of the Conference.

10. The participants in the Conference, the representatives of the information media and the members of the United Nations secretariat of the Conference shall have the right to take out of Romania at the time of their departure without any restrictions the unexpended portions of the funds they brought into Romania in connexion with the Conference, in the same currencies and at the United Nations official rates of exchange prevailing when they were brought in.

#### ARTICLE XV

##### *Import duties and tax*

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

2. The Government shall issue at the request of the United Nations the import permits for the supplies required by the United Nations for official use, including protocol purposes, at the Conference.

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### 3. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE UNITED NATIONS (UNITED NATIONS COUNCIL FOR NAMIBIA) AND ZAMBIA CONCERNING THE ISSUANCE BY THE COUNCIL OF TRAVEL AND IDENTITY DOCUMENTS TO NAMIBIANS (WITH A NOTE DATED 12 DECEMBER 1968).<sup>18</sup> LUSAKA, 10 JULY 1970

#### I

##### *Letter from the Acting Commissioner for the United Nations Council for Namibia*

Sir,

At the request of the United Nations Council for Namibia, I have the honour to refer to the following points of agreement and mutual undertakings which have resulted from meetings held in Lusaka in early February 1969, between a delegation of the Council and representatives

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<sup>18</sup>Came into force on 10 July 1970.

of the Government of the Republic of Zambia, and from subsequent negotiations in New York.

*Points of agreement:*

1. The Government of the Republic of Zambia recognises and accepts as valid the travel and identity documents issued to Namibians by the United Nations Council for Namibia and intends to so advise the Secretary-General of the United Nations, pursuant to his note verbale of 12 December 1968.

2. In the exercise of its sovereign rights, the Government of the Republic of Zambia agrees to grant the right of return to the following categories of Namibians who receive the travel and identity documents of the Council:

- (a) Namibians residing in Zambia;
- (b) Namibians enjoying first asylum in Zambia;
- (c) such other Namibians as the Government may determine.

3. The right of return will be inscribed and certified by the Government of the Republic of Zambia in the travel and identity documents issued by the United Nations Council for Namibia for the period of up to two years following the date of issue of the documents and this period may be extended.

4. Applications for travel and identity documents shall be submitted to the Government of the Republic of Zambia which shall examine such applications. A representative of the United Nations Council for Namibia shall be consulted, in accordance with the provisions of paragraph 5 below, and a representative of the Organization of African Unity may be consulted as appropriate. Representatives of the people of Namibia shall be requested to provide relevant information as required. In the event of the Government of the Republic of Zambia informing the United Nations Council for Namibia that it agrees to grant the right of return, the documents shall be issued by the Council. It is understood that, as a rule, the right of return shall be granted to individuals within the categories mentioned in paragraph 2 (a) to (c) above, unless compelling reasons of national security or public order otherwise require.

5. In its examination of applications for travel and identity documents, the Government of Zambia shall consult the United Nations Council for Namibia in every case, except when:

(a) the Government decides not to grant the right of return on grounds of national security or public order. Any determination made by the Government on such grounds shall be final.

(b) circumstances are such that the application requires immediate consideration, not permitting time for consultation, and the Government is satisfied, on the basis of the information available to it, with the *bona fides* of the applicant and is prepared to grant the right of return.

6. The provisions of paragraphs 4 and 5 shall not preclude the United Nations Council for Namibia from issuing travel documents, in cases where the right of return is not granted by the Government of the Republic of Zambia, provided that the Council secures for the applicant the right of return to a country other than Zambia or finds a country which would accept him without a return clause.

7. The present arrangements which are made in the interest of Namibians are subject to review on the request of the Government of the Republic of Zambia or of the United Nations Council for Namibia after a period of two years from the date of the present exchange of letters, or as may be decided by the parties, and be amended by agreement between the parties.

*Mutual undertakings:*

8. The Government of the Republic of Zambia, recognising:
- (a) the international status of Namibia;

(b) the importance and necessity for Namibians to verify their identity and to be able to travel while abroad; and

(c) the special responsibilities of the Council for Namibia in matters within its competence;

undertakes to extend its full co-operation with regard to the arrangements herein described.

9. The Council for Namibia, recognising that the Government of the Republic of Zambia should not be required, because of the country's geographical location, to bear to a disproportionate degree the problems arising from the entry of Namibians into Zambia, undertake to make every effort to ensure that other Member States of the United Nations share in the granting of asylum and right of residence to Namibians.

10. Furthermore, the Council for Namibia, recognising that more important than the question of travel documents is the problem of the future welfare of Namibians who sought asylum in other countries, undertakes to give this problem serious attention.

I would be most grateful for your confirmation that the Government of the Republic of Zambia is in full agreement with the points listed above. In such case, I have the honour to propose that this note and your reply shall constitute an Agreement between the United Nations Council for Namibia and the Government of the Republic of Zambia on this matter.

Accept, Sir, the assurances of my highest consideration.

(signed) A. A. HAMID  
Acting Commissioner for United Nations  
Council for Namibia

## II

### *Letter from the Minister of State for Home Affairs of Zambia*

Sir,

I have the honour to acknowledge receipt of your letter of to-day's date which reads as follows:

[See letter I]

I have the honour to inform you that the foregoing is acceptable to the Government of the Republic of Zambia which agrees that your letter and this reply shall constitute an Agreement between the Government of the Republic of Zambia and the United Nations Council for Namibia.

Accept, Sir, the assurances of my highest consideration.

(Signed) Hon. C. M. MWANANSHIKU  
Minister of State for Home Affairs

## ANNEX

TR 100(3) NAMI (1-1)

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Zambia to the United Nations and has the honour to refer to General Assembly resolutions 2248 (S-V) of 19th May 1967, 2325 (XXII) of 16 December 1967 and 2372 (XXII) of 12 June 1968. As the Council for Namibia reported to the General Assembly (A/7088, para. 38), it had decided on 8 February 1968 that in the discharge of its functions under resolutions 2248 (S-V) and 2325 (XXII) it would in principle proceed with arrangements for the issuance of travel documents to Namibians who apply for such documents. Subsequently, the General Assembly, having considered the Council's report on the matter, decided that the Council "shall continue with a sense of urgency its consultations on the question of issuing to Namibians travel documents enabling them to travel abroad" [resolution 2372 (XXII), para. 4 (c)].

The Council is now actively pursuing this matter. In this connexion it has asked the Secretary-General to request Governments to undertake, as a step towards finalizing the arrangements for issuing these documents, to recognize and accept as valid the travel and identity documents issued by the Council to Namibians abroad, subject to its usual visa requirements, and to extend its full co-operation to the Council in this regard and afford all the necessary assistance normally accorded to the bearers of such documents.

The Secretary-General would appreciate it if the Permanent Representative would communicate the contents of this note to his Government and forward its reply as soon as possible.

---

12 December 1968

4. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE UNITED NATIONS (UNITED NATIONS COUNCIL FOR NAMIBIA) AND UGANDA CONCERNING THE ISSUANCE BY THE COUNCIL OF TRAVEL AND IDENTITY DOCUMENTS TO NAMIBIANS.<sup>19</sup> KAMPALA, 17 JULY 1970

I

*Letter from the Acting Commissioner for the United Nations Council for Namibia*

[Similar to letter I under Section 3 above]

II

*Letter from the Deputy Minister of Foreign Affairs of Uganda*

[Similar to letter II under Section 3 above]

5. AGREEMENT BETWEEN THE UNITED NATIONS (UNITED NATIONS COUNCIL FOR NAMIBIA) AND NIGERIA ON THE RIGHT OF RETURN TO NIGERIA OF CERTAIN NAMIBIANS.<sup>20</sup> SIGNED AT NEW YORK ON 20 APRIL 1972

The Government of the Federal Republic of Nigeria (hereinafter referred to as "the Government of Nigeria") and the United Nations Council for Namibia (hereinafter referred to as "the Council").

Recognising the international status of Namibia and the importance and necessity for Namibians to verify their identity and to be able to travel about while abroad,

Agree as follows:

ARTICLE 1

The Government of Nigeria recognises and accepts as valid the travel and identity documents issued to Namibians by the Council.

ARTICLE 2

Subject to other provisions of this Agreement, the Government of Nigeria agrees to grant the right of return to the following categories of Namibians who are in possession of the travel and identity documents issued by the Council:

(a) Namibians residing in Nigeria prior to the conclusion of this Agreement;

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<sup>19</sup>Came into force on 17 July 1970.

<sup>20</sup>Came into force on the date of signature.

- (b) Namibians enjoying asylum in Nigeria; and
- (c) Such other Namibians as the Government of Nigeria may determine.

#### ARTICLE 3

1. For the purpose of this Agreement a right of return to Nigeria shall mean a right to be admitted into Nigeria granted to a Namibian.
2. The right of return shall be inscribed and certified by the Government of Nigeria in the travel and identity documents issued by the Council and the right shall be valid for a period of two years from the date of issue of the right of return and this period may be extended by the Government of Nigeria.

#### ARTICLE 4

1. Applications for a right of return to Nigeria by Namibians shall be made on prescribed forms agreed to by the Government of Nigeria and the Council and shall be submitted through the Council. The Council shall transmit them to the Government of Nigeria after due consultations with the Organisation of African Unity where appropriate.
2. The Government of Nigeria on receiving an application for a grant of a right of return to Nigeria may decide to
  - (a) approve the application with or without prescribing conditions for the approval; or
  - (b) ask for more information about the applicant and on receiving such information may decide to reject the application without giving any reasons for doing so; or
  - (c) reject the application without giving any reasons for doing so.
3. The decision of the Government of Nigeria on every application received shall be conveyed to the Council and where an application is approved the Council shall forward the travel and identity documents of the successful applicant to the Government of Nigeria who shall inscribe and certify the right to return to Nigeria on the travel and identity documents and return them to the applicant through the Council.

#### ARTICLE 5

The Council undertakes to make every effort to ensure that other member States of the United Nations share in the granting of the right of return to Namibians and that all possible assistance is rendered to such Namibians through the United Nations system.

#### ARTICLE 6

Namibians admitted into Nigeria under this Agreement shall be subjected to the laws and regulations of Nigeria.

#### ARTICLE 7

1. This Agreement shall enter into force two months after the authorised representatives of the contracting parties have signed this Agreement and may be terminated by either party giving twelve months notice in writing to the other party.

Done at United Nations Headquarters this 20th April 1972 in two original copies in English language, both copies being authentic.

*(Signed) A. A. HAMID*  
*For the United Nations*  
*Council for Namibia*

*(Signed) E. O. OGBU*  
*For the Government of the*  
*Federal Republic of Nigeria*

6. AGREEMENTS RELATING TO THE TECHNICAL ASSISTANCE SECTOR OF THE UNITED NATIONS DEVELOPMENT PROGRAMME: REVISED STANDARD AGREEMENT CONCERNING TECHNICAL ASSISTANCE<sup>21</sup>

ARTICLE I

*Furnishing of technical assistance*

...

6. . . . [See *Juridical Yearbook*, 1967, p. 73]

ARTICLE V

*Facilities, privileges and immunities*

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

Revised standard agreement on technical assistance between the United Nations (including UNIDO and UNCTAD), ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO, and Bhutan.<sup>22</sup> Signed at New Delhi on 21 February 1973

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

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7. AGREEMENTS RELATING TO THE SPECIAL FUND SECTOR OF THE UNITED NATIONS DEVELOPMENT PROGRAMME: STANDARD AGREEMENT CONCERNING ASSISTANCE FROM THE UNITED NATIONS DEVELOPMENT PROGRAMME (SPECIAL FUND)<sup>23</sup>

ARTICLE VIII

*Facilities, privileges and immunities*

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

ARTICLE X

*General provisions*

...

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

Agreement between the United Nations Development Programme (Special Fund) and Bhutan concerning assistance from the United Nations Development Programme (Special Fund).<sup>24</sup> Signed at New Delhi on 21 February 1973

This agreement contains provisions similar to articles VIII and X, 4 of the standard agreement.

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<sup>21</sup>United Nations Development Programme, *Administrative Field Manual* (AFM), Section IX-C (May 1973).

<sup>22</sup>Came into force on the date of signature.

<sup>23</sup>United Nations Development Programme, *Administrative Field Manual* (AFM), Section IX-C (May 1973).

<sup>24</sup>Came into force on the date of signature.

8. AGREEMENT RELATING TO OPERATIONAL ASSISTANCE:  
STANDARD AGREEMENT ON OPERATIONAL ASSISTANCE<sup>25</sup>

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*, 1968, pp. 46 and 47]

Standard agreements on operational assistance between the United Nations (including UNIDO and UNCTAD), ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU, IMCO and IBRD, and the Governments of Bhutan, Burundi and Gabon.<sup>26</sup> Signed respectively at New Delhi on 21 February 1973, at Bujumbura on 22 March 1973 and at Libreville on 15 December 1973

These agreements contain provisions similar to articles II, 3 and IV, 5 and 6 of the standard agreement.

9. AGREEMENTS RELATING TO THE UNITED NATIONS DEVELOPMENT PROGRAMME: STANDARD BASIC AGREEMENT CONCERNING ASSISTANCE BY THE UNITED NATIONS DEVELOPMENT PROGRAMME<sup>27</sup>

ARTICLE III

*Execution of Projects*

...

5. In the performance of their duties, advisory experts, consultants and volunteers shall act in close consultation with the Government and with persons or bodies designated by the Government, and shall comply with such instructions from the Government as may be appropriate to the nature of their duties and the assistance to be given and as may be mutually agreed upon between the UNDP and the Executing Agency concerned and the Government. Operational experts shall be solely responsible to, and be under the exclusive direction of, the Government or the entity to which they are assigned, but shall not be required to perform any functions incompatible with their international status or with the purposes of the UNDP or the Executing Agency . . .

...

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<sup>25</sup>United Nations Development Programme, *Administrative Field Manual (AFM)*, Section IX-C (May 1973).

<sup>26</sup>Came into force on the respective dates of signature.

<sup>27</sup>Document UNDP/ADM/LEG/34 of 6 March 1973. The standard basic agreement prepared by the Bureau of Administration and Finance in consultation with the Executing Agencies of UNDP, represents a consolidation of the standard Special Fund, Technical Assistance, Operational Assistance and Office Agreements of the UNDP, which it is designed to replace.

## ARTICLE IX

### *Privileges and Immunities*

1. The Government shall apply to the United Nations and its organs, including the UNDP and United Nations subsidiary organs acting as UNDP Executing Agencies, their property, funds and assets, and to their officials, including the resident representative and other members of the UNDP mission in the country, the provisions of the Convention on the Privileges and Immunities of the United Nations.

2. The Government shall apply to each Specialized Agency acting as an Executing Agency, its property, funds and assets, and to its officials, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies, including any Annex to the Convention applicable to such Specialized Agency. In case the International Atomic Energy Agency (the IAEA) acts as an Executing Agency, the Government shall apply to its property, funds and assets, and to its officials and experts, the Agreement on the Privileges and Immunities of the IAEA.

3. Members of the UNDP mission in the country shall be granted such additional privileges and immunities as may be necessary for the effective exercise by the mission of its functions.

4. (a) Except as the Parties may otherwise agree in Project Documents relating to specific projects, the Government shall grant all persons, other than Government nationals employed locally, performing services on behalf of the UNDP, a Specialized Agency or the IAEA who are not covered by paragraphs 1 and 2 above the same privileges and immunities as officials of the United Nations, the Specialized Agency concerned or the IAEA under Sections 18, 19 or 18 respectively of the Conventions on the Privileges and Immunities of the United Nations or of the Specialized Agencies, or of the Agreement on the Privileges and Immunities of the IAEA.

(b) For purposes of the instruments on privileges and immunities referred to in the preceding parts of this Article:

- (1) All papers and documents relating to a project in the possession or under the control of the persons referred to in subparagraph 4 (a) above shall be deemed to be documents belonging to the United Nations, the Specialized Agency concerned, or the IAEA, as the case may be; and
- (2) Equipment, materials and supplies brought into or purchased or leased by those persons within the country for purposes of a project shall be deemed to be property of the United Nations, the Specialized Agency concerned, or the IAEA, as the case may be.

5. The expression "persons performing services" as used in Articles IX, X and XIII of this Agreement includes operational experts, volunteers, consultants, and juridical as well as natural persons and their employees. It includes governmental or non-governmental organizations or firms which UNDP may retain, whether as an Executing Agency or otherwise, to execute or to assist in the execution of UNDP assistance to a project, and their employees. Nothing in this Agreement shall be construed to limit the privileges, immunities or facilities conferred upon such organizations or firms or their employees in any other instrument.

## ARTICLE X

### *Facilities for execution of UNDP assistance*

1. The Government shall take any measures which may be necessary to exempt the UNDP, its Executing Agencies, their experts and other persons performing services on their behalf from regulations or other legal provisions which may interfere with operations under this Agreement, and shall grant them such other facilities as may be necessary for the speedy and efficient execution of UNDP assistance. It shall, in particular, grant them the following rights and facilities:

- (a) prompt clearance of experts and other persons performing services on behalf of the UNDP or an Executing Agency;
- (b) prompt issuance without cost of necessary visas, licenses or permits;
- (c) access to the site of work and all necessary rights of way;
- (d) free movement within or to or from the country, to the extent necessary for proper execution of UNDP assistance;
- (e) the most favourable legal rate of exchange;
- (f) any permits necessary for the importation of equipment, materials and supplies, and for their subsequent exportation;
- (g) any permits necessary for importation of property belonging to and intended for the personal use or consumption of officials of the UNDP, its Executing Agencies, or other persons performing services on their behalf, and for the subsequent exportation of such property; and
- (h) prompt release from customs of the items mentioned in subparagraphs (f) and (g) above.

2. Assistance under this Agreement being provided for the benefit of the Government and people of \_\_\_\_\_, the Government shall bear all risks of operations arising under this Agreement. It shall be responsible for dealing with claims which may be brought by third parties against the UNDP or an Executing Agency, their officials or other persons performing services on their behalf, and shall hold them harmless in respect of claims or liabilities arising from operations under this Agreement. The foregoing provision shall not apply where the Parties and the Executing Agency are agreed that a claim or liability arises from the gross negligence or wilful misconduct of the above-mentioned individuals.

### ARTICLE XIII

#### *General provisions*

4. . . . The obligations assumed by the Government under Articles IX (concerning privileges and immunities), X (concerning facilities for project execution) . . . hereof shall survive the expiration or termination of this Agreement to the extent necessary to permit orderly withdrawal of personnel, funds and property of the UNDP and of any Executing Agency, or of any persons performing services on their behalf under this Agreement.

Basic agreements between the United Nations (United Nations Development Programme) and the Governments of Costa Rica and Panama concerning assistance by the United Nations Development Programme. Signed respectively at San José on 7 August 1973 and at Panama City on 23 August 1973<sup>28</sup>

These agreements contain provisions similar to articles III, 5, IX, X and XIII, 4 of the standard basic agreement.

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## 10. AGREEMENTS CONCERNING ASSISTANCE FROM THE WORLD FOOD PROGRAMME

- (a) Basic agreements concerning assistance from the World Food Programme between the United Nations and the Food and Agriculture Organization of the United Nations, on behalf of the World Food Programme (WFP), and the Governments of Lesotho, Egypt, Honduras, Uganda, Turkey, Costa Rica, the

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<sup>28</sup> Came into force on the respective dates of signature.

Philippines and Zaire.<sup>29</sup> Signed respectively at Maseru on 11 November 1968, at Cairo on 5 September 1968, at Tegucigalpa on 17 September 1970, at Kampala on 22 March 1972, at Ankara on 23 May 1968, at San José on 11 February 1971, at Manila on 2 July 1968 and at Kinshasa on 15 June 1968

These agreements contain provisions similar to those reproduced on p. 23 of the *Juridical Yearbook*, 1971.

- (b) Basic agreement concerning assistance from the World Food Programme between the United Nations and the Food and Agriculture Organization of the United Nations, on behalf of the World Food Programme (WFP), and the Government of Greece.<sup>30</sup> Signed at Athens on 19 September 1968

This agreement contains provisions similar to those reproduced on p. 23 of the *Juridical Yearbook*, 1971, except that:

- (i) the words “and specialized agencies” do not appear at the end of paragraph 1;
- (ii) the words “Specialized Agencies” in paragraph 2 are replaced by the words: “United Nations, enacted into Law No. 412/47”;
- (iii) the words “in Greece” have been inserted after the words “under this Agreement” in the fourth and sixth lines of paragraph 3.

## B. TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF INTERGOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS

### 1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES,<sup>31</sup> APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

In 1973, 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:<sup>32</sup>

State	Date of receipt of instrument of accession or ratification	Specialized Agencies
Guyana	Accession 13 September 1973	ILO, FAO, UNESCO, ICAO, Fund, Bank, WHO, UPU, ITU, IMCO, WMO, IFC, IDA
Hungary <sup>33</sup>	Notification 9 August 1973	FAO, ICAO, IMCO

As of 31 December 1973, 78 States were parties to the Convention.

<sup>29</sup>Came into force respectively on 11 November 1968, 17 February 1969, 8 October 1971, 22 March 1972, 27 March 1972, 13 September 1972, 3 October 1972 and 8 May 1973.

<sup>30</sup>Came into force on 9 June 1972.

<sup>31</sup>United Nations, *Treaty Series*, vol. 33, p. 261.

<sup>32</sup>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.

<sup>33</sup>Subject to the following declarations:

“Also with regard to the above-mentioned specialized agencies, the Hungarian People’s Republic accepts the provisions in articles 24 and 32 with the reservations made when notifying its accession to the Convention” (See *Juridical Yearbook*, 1968, p. 79, footnote 30; see also *Juridical Yearbook*, 1968, p. 50, footnote 30).

## 2. INTERNATIONAL LABOUR ORGANISATION

Agreement between the International Labour Organisation and Bangladesh concerning the establishment of an Office of the Organisation in Dacca.<sup>34</sup> Signed at Dacca on 25 May 1973

This Agreement contains provisions similar to articles 2 and 3 of the Agreement between the International Labour Organisation and Trinidad and Tobago concerning the establishment of an Office of the Organisation in Port of Spain, signed at Port of Spain on 14 March 1969: see *Juridical Yearbook*, 1969, p. 29.

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## 3. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

- (a) Agreements based on the standard "Memorandum of Responsibilities" in respect of FAO sessions

Agreements concerning specific sessions held outside FAO Headquarters and containing provisions on privileges and immunities of FAO and participants similar to the standard text (published in the *Juridical Yearbook*, 1972, p. 32)<sup>35</sup> were concluded in 1972 and 1973 with the governments of the following countries acting as hosts to such sessions:

Argentina, Australia,<sup>36</sup> Austria, Belgium, Canada,<sup>37</sup> Chile,<sup>37</sup> Cyprus, Egypt, Ethiopia, France,<sup>38,39</sup> Germany, Federal Republic of,<sup>40</sup> Italy,<sup>41</sup> India, Iran,<sup>42</sup> Jamaica,<sup>43</sup> Kenya,

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<sup>34</sup>Came into force on the date of signature.

<sup>35</sup>Due to re-numbering of the provisions of the General Rules of the Organization, reference is now made in paragraph 9 of the standard text of the agreement, to Rule XXXVI-4 (rather than XXXIV-4).

<sup>36</sup>While accepting the standard clauses of the agreement, the host government made the following declaration:

"In relation to part II, paragraphs 9, 10 and 11 on the Responsibilities of the host governments in regard to privileges and immunities for FAO and participants, you will appreciate that the Convention on Privileges and Immunities of the Specialized Agencies provides for the granting of privileges and immunities to the Organization, its property, funds and assets, to officers of the Organization and to representatives of Members but not to observers. Australian law makes provision accordingly. Nevertheless, you can be assured that observers will be accorded the necessary facilities for their participation in the Conference."

<sup>37</sup>Agreement concluded in 1972.

<sup>38</sup>In paragraph 9, regarding privileges and immunities of FAO and participants, the reference to the Convention on the Privileges and Immunities of the Specialized Agencies, appearing in the standard text, was omitted.

<sup>39</sup>The host government did not assume the hold-harmless obligation set out in paragraph 11 of the standard text.

<sup>40</sup>The standard provisions were replaced by the following clause: "It is understood that the necessary visas and free access to the meetings will be granted to all participants."

<sup>41</sup>The reference to the Convention on the Privileges and Immunities of the Specialized Agencies contained in paragraph 9 of the standard text was replaced by a reference to "the relevant provisions of the Headquarters Agreement".

<sup>42</sup>The host Government and FAO failed to agree on privileges and immunities clause, but it was too late to change the venue of the session.

<sup>43</sup>In paragraph 9 the words "to delegates and observers, and to FAO staff" were omitted. In paragraph 10 the following words were added at the end "in accordance with the laws and regulations in force in Japan".

Libya,<sup>37</sup> Malaysia, Mexico<sup>44</sup> Netherlands,<sup>45</sup> Senegal, Spain,<sup>46</sup> Thailand,<sup>40</sup> Turkey, United Kingdom,<sup>47,40</sup>.

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

Agreements concerning specific group seminars, training courses or workshops, and containing provisions on privileges and immunities of FAO and participants similar to the standard text (published in the *Juridical Yearbook*, 1972, p. 33), were concluded in 1973 with the Governments of the following countries acting as hosts to such group seminars, training courses and workshops:

Argentina,<sup>37</sup> Chad, Chile, Costa Rica, Cyprus, Denmark,<sup>48</sup> France,<sup>37</sup> Gabon, Ghana, India, Kenya, Libya, Malawi, Nigeria,<sup>49</sup> Thailand, Tunisia, United States of America,<sup>50</sup> Zambia<sup>37</sup>

(c) Exchange of letters between the Government of Sweden and the Food and Agriculture Organization of the United Nations regarding training courses and seminars to be held in Sweden

The exchange of letters of 4 February/3 March 1972 regarding training courses and seminars to be held in 1972 (published in the *Juridical Yearbook*, 1972, p. 33) was extended by an exchange of cables of 30 March 1973 to training courses and seminars to be held during 1973.

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<sup>44</sup>The Government made the following declaration:

"The Government of Mexico considers that the obligations which it is called upon to assume are acceptable, with the exception that it is unable to recognize the privileges and immunities granted under the Convention on the Privileges and Immunities of the Specialized Agencies because, as is known, Mexico is not a party to that international instrument. However, as on previous occasions, the Government of Mexico will apply *mutatis mutandis* the provisions of the Convention on the Privileges and Immunities of the United Nations, to which Mexico is a party, subject to the reservations which it formulated when it ratified that Convention."

<sup>45</sup>Paragraph 9 of the standard text was amended by the addition of the following words:

"and it being understood that immunity of jurisdiction does not apply to road offences, committed by a privileged person, nor to cases of damage caused by a motor vehicle belonging to, or driven by that person, and that no exemption of taxes or duties as to foodstuffs, drinks, tobacco and comparable supplies shall be claimed by FAO."

<sup>46</sup>The standard clauses were replaced by the following text:

"The Host Government undertakes to:

"...

"9. Accord for the purposes of the Session, to delegates and observers, and to FAO, its property, funds and assets, as well as to FAO staff, all the privileges or immunities provided for in article 5 of the Agreement between the United Nations, the specialized agencies and the Government of Spain of 3 May 1969, which basically coincide with those described in Article VIII, paragraph 4, and Article XVI, paragraph 2, of the Constitution and Rule XXXVI-4 of the General Rules."

<sup>47</sup>Paragraph 10 of the standard text was amended to read as follows:

"Expedite the issue of visas to persons attending the Session on behalf of FAO or officially invited by the Director-General of FAO."

<sup>48</sup>In view of a general understanding reached with the Government, no formal agreement was concluded but the following cable was received from the Ministry of Foreign Affairs: "CONFIRM PRIVILEGES IMMUNITIES FAO AND STAFF AND GRANTING VISAS TO PARTICIPANTS".

<sup>49</sup>Paragraph 15 of the standard text regarding the granting of visas and facilities to participants, lecturers etc., was omitted, participants being exclusively from the host country.

#### 4. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Agreements relating to conferences, seminars and other meetings

(i) Agreement between the Government of Brazil and the United Nations Educational, Scientific and Cultural Organization concerning the meeting of the Working Group on Project No. 1 of the Man and Biosphere Programme (Man's effect on tropical and sub-tropical forest ecosystems).<sup>51</sup> Signed at Paris on 25 October 1973 and 29 November 1973

##### III. *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 thereto, to which it has been a party since 22 March 1963. It is understood, in particular, that no restriction upon the right of entry into, sojourn in and departure from its territory shall be applied to persons entitled to attend the meeting in an official capacity, without distinction of nationality.

(ii) Agreements containing a provision similar to that referred to in paragraph (i) above were also concluded between UNESCO and the Governments of Argentina, Barbados, Chile, Egypt, Federal Republic of Germany, India, Indonesia, Kenya, Malaysia, Morocco, Nigeria, Norway, Philippines, Romania and United Republic of Tanzania, concerning meetings to be held in their respective territories.

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#### 5. WORLD HEALTH ORGANIZATION

Basic agreements between WHO and the Governments of Laos, the Republic of Viet-Nam, Swaziland and the Khmer Republic for the provision of technical advisory assistance.<sup>52</sup> Signed respectively at Manila on 27 February 1973 and Vientiane on 7 May 1973, at Manila on 27 February 1973 and Saigon on 30 May 1973, at Brazzaville on 5 June 1973 and M'babane on 11 July 1973 and at Manila on 27 February 1973 and Phnom Penh on 16 October 1973

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

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<sup>50</sup>The standard text was modified in various respects and the host Government assumed the following obligations:

(a) to accord for the purposes of the Course, to invited experts, and to FAO, its property, funds and assets, as well as to FAO staff, all the privileges and immunities specified in the International Immunities Act (Public Law 291, 79th Congress);

(b) to grant visas and all necessary facilities to invited participants, lecturers, experts and consultants subject to the provision of the US Immigration Laws, it being understood that visas will not be denied to them on the basis of nationality or the governments which they represent;

(c) to hold FAO and its staff immune from suit and legal process relating to acts performed by them in their official capacity, and falling within their functions as officers and employees of the Organization.

<sup>51</sup>Came into force on 20 November 1973.

<sup>52</sup>Came into force respectively on 7 May 1973, 30 May 1973, 11 July 1973 and 16 October 1973.

## 6. WORLD METEOROLOGICAL ORGANIZATION

Agreement on the GARP Atlantic Tropical Experiment (Gate) between the World Meteorological Organization, the Government of the Republic of Senegal and other Member States of the World Meteorological Organization participating in the Experiment.<sup>53</sup> Done at Geneva on 27 June 1973

### SECTION 6

#### *Privileges and Immunities of the World Meteorological Organization in Senegal*

(a) The Organization's juridical personality in Senegal shall be as provided for in Article II, Section 3 of the Convention on Privileges and Immunities of the Specialized Agencies to which the Government of Senegal has acceded and which it has applied to the Organization since 2 March 1966.

(b) The privileges and immunities of officials of the Organization assigned to Senegal for the requirements of the Experiment shall be governed by the terms of that Convention.

...

### SECTION 10

#### *Importation and Exportation of Materials, Equipment, Supplies, Goods and other Property*

(a) The Government of the Republic of Senegal shall, upon request, take the necessary steps to facilitate the admission into Senegal, for use in the Experiment, and in due-course, when appropriate, the removal from Senegal without any restrictions of materials, equipment, supplies, goods and other property of, or held on behalf of, the Organization or any other participating Member State;

(b) No licence or other form of prior authorization shall be required for the importation into Senegal of the materials, equipment, supplies, goods or other property referred to in (a) above, provided such importation does not entail any export of foreign currency from Senegal.

### SECTION 11

#### *Fiscal exemptions*

(a) Materials, equipment, supplies, goods or other property (including motor vehicles) belonging to, or held on behalf of, the Organization or the other participating Member States imported into Senegal for use in the Experiment shall, on request, be admitted free of tax, customs and import duties and other charges, subject to exportation after the conclusion of the Experiment. Detailed lists of such property shall be sent to the Co-operating Agency of Senegal, designated in article 5;

(b) No excise, consumption or other duty shall be levied or charged on petroleum, oil and lubricants purchased on behalf of the Organization or the other participating Member States for ships and aircraft involved in the Experiment. However, user shall be required to provide evidence of the quantities actually used;

(c) The motor vehicles of the Organization and of the other participating Member States used in Senegal in connexion with the Experiment and their operation shall be exempt from all taxes and other charges;

(d) No person involved in the Experiment and ordinarily resident outside Senegal shall be required to possess, or apply for, a work permit or similar form of authorization, or to pay in Senegal any tax, in respect of any service or work in connexion with the Experiment;

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<sup>53</sup>Came into force on the date of signature.

(e) For locally recruited Senegalese personnel involved in working in the Experiment, the Organization and other participating Member States shall undertake to apply the labour legislation in force on Senegal.

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## SECTION 14

### *Liability*

(a) Each co-operating agency of a participating Member State shall be responsible for claims for damage to property or injury to persons with respect only to activities under the Experiment directly engaged in or performed by that co-operating Agency or its employees;

(b) Similarly, the Organization shall be responsible for claims for such damage or injury but only with respect to activities engaged in or performed by the Organization or its personnel or consultants;

(c) Whenever an employee of a co-operating Agency or the Organization is involved in a personal capacity in any litigation, the co-operating Agency or the Organization as the case may be, shall collaborate with Senegalese authorities to facilitate settlement of the litigation.

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## 7. INTERNATIONAL ATOMIC ENERGY AGENCY

Agreement on the Privileges and Immunities of the International Atomic Energy Agency,<sup>54</sup> approved by the Board of Governors of the Agency on 1 July 1959

### (a) *Deposit of instruments of acceptance*

The following Member State accepted the Agreement on the Privileges and Immunities of the International Atomic Energy Agency in 1973, on the date as indicated:<sup>55</sup>

<i>State</i>	<i>Date of deposit of instrument of acceptance</i>
Singapore <sup>56</sup> .....	19 July 1973

This brought up to 42 the number of States parties to this Agreement.

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

(i) Article 10 of the Agreement between the Republic of Cyprus and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entered into force on 26 January 1973 (INFCIRC/189).

(ii) Article 10 of the Agreement between Mauritius and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entered into force on 31 January 1973 (INFCIRC/190).

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<sup>54</sup>Reproduced in the *Juridical Yearbook*, 1963, p. 48. See also United Nations, *Treaty Series*, vol. 374, p. 147.

<sup>55</sup>The Agreement enters into force as between the Agency and the accepting State on the date of deposit of the Instrument of Acceptance.

<sup>56</sup>With the following reservation:

"... officials of the Agency who are Singapore citizens shall not enjoy exemption from taxation on salaries and emoluments paid to them by the Agency."

- (iii) Article X of the Master Agreement between the International Energy Agency and the Polish People's Republic for Assistance by the Agency in furthering Projects by the Supply of Materials; entered into force on 7 February 1973 (INFCIRC/. . .).
  - (iv) Article 10 of the Agreement between the Government of the Lebanese Republic and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entered into force on 5 March 1973 (INFCIRC/191).
  - (v) Article X of the Master Agreement between the International Atomic Energy Agency and the Republic of Chile for Assistance by the Agency in furthering Projects by the Supply of Materials; entered into force on 16 March 1973 (INFCIRC/196).
  - (vi) Article 10 of the Agreement between the Government of Fiji and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entered into force on 22 March 1973 (INFCIRC/192).
  - (vii) Article 10 of the Agreement between the Kingdom of Lesotho and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entered into force on 12 June 1973.
  - (viii) Article 10 of the Agreement between the Government of the Malagasy Republic and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entered into force on 14 June 1973 (INFCIRC/200).
  - (ix) Article 10 of the Agreement between the United Mexican States and the International Atomic Energy Agency for the Application of Safeguards pursuant to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons; entered into force on 14 September 1973 (INFCIRC/197).
  - (x) Article 10 of the Agreement between the Dominican Government and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons; entered into force on 11 October 1973 (INFCIRC/201).
  - (xi) Section 5 of the Agreement between the International Atomic Energy Agency and the Government of the Argentine Republic relating to the Application of Safeguards; entered into force on 23 October 1973 (INFCIRC/202).
  - (xii) Article 10 of the Agreement between the Socialist Federal Republic of Yugoslavia and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entered into force on 28 December 1973 (INFCIRC/204).
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