

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

1978

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

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



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## Chapter II

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

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

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

The following States acceded to the Convention on the Privileges and Immunities of the United Nations in 1978:<sup>2</sup>

<i>State</i>	<i>Date of receipt of instrument of accession<sup>3</sup></i>
Bangladesh .....	13 January 1978 d
Djibouti .....	6 April 1978 d

This brought up to 116 the number of States parties to this Convention.

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

###### (a) Supplementary Agreement to the Convention on the Privileges and Immunities of the United Nations (with exchange of letters) between the United Nations and Belgium.<sup>4</sup> Done at Brussels on 22 January 1976

###### *Article 1*

This Agreement shall apply to any organ (hereinafter referred to as "the Office") which is subordinate to the United Nations or to a body forming an integral part of the United Nations and which, with the consent of the Belgian Government, is established on Belgian territory.

###### *Article 2*

The Belgian Government shall facilitate the entry into, sojourn in and departure from Belgium of persons invited to the Office on official business.

###### *Article 3*

1. The Head of the Office shall enjoy the advantages accorded to members of the diplomatic staff of diplomatic missions. The spouse and minor children of the Head of the Office forming part

<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> 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.

<sup>4</sup> Came into force on 4 July 1978.

of his household shall enjoy the advantages accorded to the spouses and minor children of diplomatic staff.

2. Without prejudice to the provisions of article V of the general Convention on the Privileges and Immunities of the United Nations, the provisions of paragraph 1 shall not apply to Belgian nationals.

#### Article 4

Members of the staff of the Office who are covered by the Staff Regulations of the United Nations and who do not in Belgium practise for personal profit any occupation other than that required by their functions shall participate in the social security schemes of the United Nations in accordance with the regulations of those schemes.

#### RELATED EXCHANGE OF LETTERS

##### I

Brussels, 22 January 1976

Sir,

The signing this day of the Supplementary Agreement to the general Convention on the Privileges and Immunities of the United Nations, concluded between the Kingdom of Belgium and the United Nations, affords me the opportunity to confirm to you the functional nature of the privileges, immunities and facilities enjoyed by the Office and its staff pursuant to the above-mentioned instruments.

It follows that, *inter alia*:

(a) The Secretary-General of the United Nations shall waive the immunity from jurisdiction of the Director of the Office in the case of an action relating to a contract which was not concluded in his capacity as an agent of the United Nations;

(b) The persons referred to in article 1 of the Agreement shall enjoy no immunity from jurisdiction in respect of cases of violation of motor vehicle traffic regulations or of damage caused by a motor vehicle otherwise than in the course of acts performed in their official capacity;

(c) The Director and staff of the Office shall comply with all obligations imposed by Belgian laws and regulations with respect to third-party insurance for the use of any motor vehicle.

In addition, the United Nations shall ensure that the staff of the Office are effectively covered by an adequate social security scheme, having regard to the Belgian social security scheme.

Erik SUY

##### II

Brussels, 22 January 1976

Sir,

I have the honour to acknowledge receipt of your letter of today's date concerning the Supplementary Agreement to the general Convention on the Privileges and Immunities of the United Nations concluded between the Kingdom of Belgium and the United Nations. I have taken note of the contents of that communication, for which I thank you.

Ren: at VAN ELSLANDE

(b) Exchange of letters constituting an agreement between the United Nations and the Republic of Korea regarding the application by the Republic of Korea of the provisions of the Convention on the Privileges and Immunities of the United Nations.<sup>5</sup> New York, 6 June 1978

<sup>5</sup> Came into force on 6 July 1978.

I

Republic of Korea  
Permanent Observer Mission  
to the United Nations  
6 June 1978

Excellency,

I have the honour to refer to the exchange of letters between the Republic of Korea and the United Nations constituting an agreement regarding privileges and immunities to be enjoyed by the United Nations in the Republic of Korea, Pusan, 21 September 1951<sup>6</sup> and to the discussions which took place between the representatives of the Republic of Korea and the United Nations with a view to the possible modification or termination of the said Agreement.

I have the honour to propose that the Republic of Korea and the United Nations terminate the Agreement of 21 September 1951 on the understanding that the Government of the Republic of Korea shall apply to the United Nations and its organs, its property, funds and assets, and to its officials in the Republic of Korea, the provisions of the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946.

It is further understood that, with respect to the application to the locally recruited United Nations officials of Section 18, Article V of the said Convention, the United Nations will assert only the privileges and immunities provided for in sub-paragraphs (a) and (b) of that Section.

This letter and Your Excellency's reply accepting the foregoing proposals shall constitute an agreement between the Government of the Republic of Korea and the United Nations in respect of the contents thereof, which shall enter into force upon the thirtieth day following the date of Your Excellency's reply, and may be terminated by either Party upon giving six months' written notice to the other.

(Signed) Duk Choo MOON  
Ambassador

H.E. Mr. Kurt WALDHEIM  
Secretary-General of the United Nations  
New York

II

6 June 1978

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's letter of today's date, concerning the privileges and immunities to be enjoyed by the United Nations in the Republic of Korea, which reads as follows:

[See letter I.]

I further have the honour to inform Your Excellency that the foregoing proposals are acceptable to the United Nations and to confirm that Your Excellency's letter and this reply shall constitute an agreement between the United Nations and the Government of the Republic of Korea on the subject, which shall enter into force upon the thirtieth day following the date of this reply, i.e. on 6 July 1978.

Erik SUY  
Under-Secretary-General  
The Legal Counsel

His Excellency  
Mr. Duk Choo MOON  
Ambassador Extraordinary and Plenipotentiary  
Permanent Observer of the Republic of Korea  
to the United Nations  
New York, N.Y.

<sup>6</sup> United Nations, *Treaty Series*, vol. 104, p. 323.

- (c) Agreement between the United Nations and Portugal for the Office of the United Nations Information Centre for Portugal.<sup>7</sup> Signed at New York on 13 September 1978

*The Government of Portugal and the Secretary-General of the United Nations,*

*Considering* that the Government of Portugal (hereinafter referred to as 'the Government') and the Secretary-General of the United Nations (hereinafter referred to as 'the Secretary-General') have agreed to establish an Information Centre for Portugal (hereinafter referred to as 'the Centre') in Lisbon, and considering that the Government undertakes to assist the United Nations in securing all the necessary facilities for its functioning;

*Considering* that the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946 (hereinafter referred to as 'the General Convention') applies to the Offices of Public Information in the field which are hence an integral part of the Secretariat of the United Nations;

*Considering* that it is desirable to conclude an agreement to regulate questions arising as a result of the establishment of the United Nations Information Centre in Lisbon:

Have agreed as follows:

*Article I*

ESTABLISHMENT OF THE CENTRE

*Section 1*

A United Nations Information Centre will be established in Portugal to carry out the functions assigned to it by the Secretary-General, within the framework of the Office of Public Information.

*Article II*

STATUS OF THE UNITED NATIONS INFORMATION CENTRE

*Section 2*

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

*Section 3*

The appropriate Portuguese authorities shall exercise due diligence to ensure the security and protection of the premises of the Centre and its staff.

*Section 4*

The appropriate Portuguese authorities shall exercise their respective powers to ensure that the Centre shall be supplied with the necessary public services and that such public services shall be supplied on equitable terms. The Centre shall enjoy privileged treatment for the use of telephone, radio-telegraph and mail communication facilities in the same conditions that are normally accorded and extended to diplomatic missions.

*Article III*

FACILITIES AND SERVICES

*Section 5*

The Government shall provide, free of cost, appropriate office space and will contribute 30 per cent of the cost of operating the Centre.

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

## Article IV

### OFFICIALS OF THE CENTRE

#### Section 6

Officials of the Centre, except those who are locally recruited or have Portuguese nationality or are permanent foreign residents of Portugal shall enjoy, within and with respect to Portugal, the following privileges and immunities:

(a) Immunity from legal processes of any kind in respect of words spoken or written, and of acts performed by them in their official capacity; such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the United Nations;

(b) Immunity from seizure of their official baggage;

(c) Immunity from inspection of official baggage;

(d) Exemption from taxation in respect of the salaries, emoluments, indemnities and pensions paid to them by the United Nations for services past or present or in connection with their service with the Centre.

(e) Exemption from any form of taxation on income derived by them from sources outside Portugal;

(f) Exemption, with respect to themselves, their spouses, their dependents, relatives and other members of their households from immigration restrictions and alien registration;

(g) Immunity from national service obligations;

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

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

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

(i) Their furniture and effects in one or more separate shipments, and thereafter to import necessary additions to the same, including motor vehicles, according to the Portuguese legislation applicable to diplomatic representatives accredited in Portugal;

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

#### Section 7

In addition to the privileges and immunities specified in Section 6, the Director of the Centre shall enjoy, in respect of himself, his spouse, his dependent relatives and other members of his household, the privileges and immunities, exemptions and facilities normally accorded to diplomatic envoys of comparable rank. He shall for this purpose be incorporated by the Portuguese Ministry of Foreign Affairs into the diplomatic list.

#### Section 8

Officials of the Centre locally recruited, of Portuguese nationality or permanent foreign residents in Portugal shall enjoy only, within and with respect to Portugal, the privileges and immunities referred to in letters (a), (b), (c), (d), and (g) of Section 6 of this Agreement. However with respect to (g), this should not be interpreted as exempting officials of Portuguese nationality from complying with their military service obligations.

The conditions of work of these officials shall be solely governed by the provisions of the Staff Rules and Regulations of the United Nations. No staff member can claim additional rights than those defined on said Staff Rules and Regulations.



*Section 9*

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

*Section 10*

Without prejudice to the privileges and immunities accorded by this Agreement, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of Portugal.

*Article V*

GENERAL PROVISIONS

*Section 11*

The provisions of the General Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946 shall fully apply to the Centre, and the provisions of this Agreement shall be complementary to those of the General Convention. In so far as any provision of this Agreement and any provision of the General Convention relate to the same subject matter, the two provisions shall, where possible, be treated as complementary, so that both provisions shall be applicable and neither shall restrict the effect of the other.

*Section 12*

This Agreement shall be constructed in the light of its primary purpose of enabling the United Nations Information Centre in Portugal fully and efficiently to discharge its responsibilities and fulfill its purposes.

*Section 13*

Consultation with respect to modifications of this Agreement shall be entered into at the request of either party; any such modifications shall be by mutual consent.

*Section 14*

This Agreement shall cease to be in force:

- (i) by mutual consent of both parties; or
- (ii) if the Centre is removed from the territory of Portugal, except for such provisions as may be applicable in connection with the orderly termination of the operations of the United Nations Information Centre in Portugal and the disposal of its property therein.

*Section 15*

This Agreement shall come into force upon signature by both parties.

IN WITNESS WHEREOF the undersigned, duly authorized representatives of the United Nations and the Government, respectively, have signed this Agreement in two copies, each in the English and Portuguese languages.

DONE at New York on September 13, 1978

*For the United Nations*  
(Signed) Genichi AKATANI

*For the Government of Portugal*  
(Signed) Vasco FUTSHER PEREIRA

- (d) Agreement between the United Nations and the Federal Republic of Germany concerning the arrangements for the United Nations Conference on the Carriage of Goods by Sea to be held at Hamburg from 6 to 31 March 1978.<sup>8</sup> Signed at Geneva on 28 February 1978

<sup>8</sup> Came into force on the date of signature.

## *Article XII*

### PRIVILEGES AND IMMUNITIES

1. The Government shall grant, in respect of the Conference, the privileges and immunities provided for in the Convention on the Privileges and Immunities of the United Nations.

2. Representatives of States and of the United Nations Council for Namibia at the Conference, officials of the United Nations and experts on mission for the United Nations performing functions in connexion with the Conference shall enjoy the privileges and immunities provided under articles IV, V, VI and VII respectively, of the Convention on the Privileges and Immunities of the United Nations.

3. Observers from the specialized agencies at the Conference shall enjoy the privileges and immunities under articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies. Observers from the International Atomic Energy Agency at the Conference shall enjoy the privileges and immunities provided under articles VI and IX of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency. Observers from other inter-governmental and non-governmental organizations invited to the Conference as observers shall enjoy the privileges and immunities provided under article VI of the Convention on the Privileges and Immunities of the United Nations.

4. Observers referred to in article I (c) and (d) shall enjoy the privileges and immunities provided under article VI of the Convention on the Privileges and Immunities of the United Nations. They shall be accorded such facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Conference.

5. The personnel provided by the Government under Article X of the present Agreement, as specified in a separate exchange of communications under Article XVI of this Agreement, shall, with the exception of those assigned to hourly rates, 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. Such immunity shall, however, not apply in case of an accident caused by vehicle, vessel or aircraft.

6. In addition, all participants and all persons performing functions in connexion with the Conference shall enjoy such facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Conference.

7. The Government shall ensure that no impediment is imposed on transit to and from the site of the Conference of the following categories of persons:

(a) the persons referred to in Article I, paragraph 1, of the present Agreement and their immediate families;

(b) representatives of the press or of other information media referred to in Article I, paragraph 2, of the present Agreement;

(c) members of the United Nations Secretariat and experts on mission for the United Nations performing functions in connexion with the Conference and their immediate families;

(d) other persons officially invited to the Conference by the Secretary-General of the United Nations.

They shall be permitted to enter or leave the country without delay. Any visa required by the law of the Federal Republic of Germany for such persons shall be granted promptly on application and without charge.

8. During the Conference, including the preparatory and final stages of the Conference, the buildings and areas referred to in Article II shall be deemed to constitute United Nations premises and access thereto shall be under the control and authority of the United Nations. In this respect, persons officially invited to the Conference by the Government shall be given access to the Conference area by the United Nations.

### *Article XIII*

#### LIABILITY

1. The Government shall, either directly or through appropriate insurance coverage, be responsible for dealing with any actions, claims or other demands against the United Nations or its personnel and arising out of:

(a) injury or damage to person or property in the premises referred to in Articles II, III and IV above;

(b) injury or damage to person or property caused by, or incurred in using, the transport services referred to in Article IX above;

(c) the employment for the Conference of the personnel referred to in Article X above.

2. The Government shall hold harmless the United Nations and its personnel in respect of any such actions, claims or other demands.

### *Article XIV*

#### CUSTOMS PROCEDURES, IMPORT DUTIES AND TAX

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

2. The Government shall also be responsible for ensuring timely delivery to the Conference site of all such equipment and supplies and it shall expedite their return shipment from Hamburg to the United Nations Offices from which they were shipped.

(e) Agreement between the United Nations and India concerning the arrangements for the Seminar on Statistics for Rural Development to be held in New Delhi from 5 to 10 April 1978.<sup>9</sup> Signed at New Delhi and at Bangkok on 22 March 1978

### *Article VII*

#### PRIVILEGES AND IMMUNITIES

1. Article V of the Convention on the Privileges and Immunities of the United Nations shall be fully applicable to officials of the United Nations attending the Seminar.

2. Officials of the specialized agencies shall enjoy the privileges and immunities provided under the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Persons other than those referred to in paragraphs 1 and 2 above performing functions in connexion with the Seminar shall enjoy such facilities and courtesies, as are necessary for the independent exercise of their functions in connexion with the Seminar.

4. Representatives of Members and Associate Member States of the United Nations Economic and Social Commission for Asia and the Pacific and representatives from other States Members of the United Nations shall enjoy the privileges and immunities provided in Article IV of the Convention on the Privileges and Immunities of the United Nations.

5. All persons referred to in this article and all persons performing functions in connexion with the Seminar who are not nationals of India shall have the right of entry into and exit from India. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted as speedily as possible and not later than two weeks before the date of the opening of the Seminar when applications are made at least two and a half weeks before the opening of the Seminar. If the application for the visa is not made at least two and a half weeks before the opening of the Seminar, the visa shall be granted not later than three days from the receipt of the application. Arrangements will also be made to ensure that visas for the duration of the Seminar are delivered at the airport to participants who were unable to obtain them prior to their arrival. Exit permits, where

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

required, shall be granted as speedily as possible, in any case not later than three days before the closing of the Seminar.

#### *Article VIII*

##### LIABILITY FOR CLAIMS

The Government shall be responsible for dealing with any actions, claims or other demands arising out of: (a) injury or damage to person or property in the premises referred to in Article II; (b) the employment of the personnel referred to in Article VI of this Agreement; and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands.

(f) Agreement between the United Nations and Jordan concerning the Seminar on the Integration of Women in Development, to be held at Amman from 28 May to 3 June 1978.<sup>10</sup> Signed at New York on 3 April 1978

Articles V and VI of this Agreement are similar to articles V and VI of an agreement between the United Nations and Nepal reproduced on p. 46 of the *Juridical Yearbook* 1976, except for the omission in article V of the words "Such immunity shall not apply in any case of accident caused by a vehicle, vessel or aircraft".

(g) Agreement between the United Nations and the Philippines concerning arrangements for the Asia and Pacific Regional Preparatory Meeting for the Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders.<sup>11</sup> Signed at New York on 4 April 1978

#### *Article VI*

##### PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946, shall be applicable in respect of the Meeting. In particular, the representatives of States participating in the Meeting pursuant to Article I (a) and (b) of this Agreement shall enjoy the privileges and immunities provided under Article IV of the Convention, the officials of the United Nations participating in the Meeting pursuant to Article I (c) of this Agreement shall enjoy the privileges and immunities provided under Article V of the Convention, and the observers participating in the Meeting pursuant to Article I (a), (f) and (g) of this Agreement shall enjoy the privileges and immunities provided for experts on mission for the United Nations under Article VI of the Convention.

2. Participants attending the Meeting in pursuance of Article I (d) of this Agreement shall enjoy the privileges and immunities provided under the Convention dated 21 November 1947 on the Privileges and Immunities of the Specialized Agencies of the United Nations.

3. In addition, all participants and all persons performing functions in connexion with the Meeting shall, in accordance with applicable law, enjoy such facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Meeting.

4. All participants referred to in Article I shall be granted entry and exit facilities which will permit them to arrange for speedy travel to and from the Meeting. In this connexion, exit and entry visas, when required, shall be granted free of charge, as speedily as possible. Exit permits, when required, shall be granted free of charge and without delay.

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

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

*Article VIII*

LIABILITY FOR CLAIMS

Included among the costs to be borne by the Government is the cost of reasonable insurance premiums for appropriate insurance coverage contracted by the United Nations with respect to the following risks:

- (a) Personal injury or damage to property in the premises referred to in Article IV, paragraph (2) (a);
  - (b) The recruitment and/or the exercise of the functions of the personnel of the Meeting referred to in Article IV, paragraph (a);
  - (c) The transport referred to in Article IV, paragraph (3) (b).
- (h) Exchange of letters constituting an agreement between the United Nations and Austria concerning the arrangements for the meetings in Vienna of the Commission on Transnational Corporations (16–26 May 1978), the Committee on Crime Prevention and Control (5–16 June 1978) and the Preparatory Committee for the World Conference of the United Nations Decade for Women (19–30 June 1978).<sup>12</sup> Geneva, 10 and 4 May 1978

I

Palais des Nations  
CH 1211 Geneva 10  
10 May 1978

Sir,

I have the honour to give you below the text of arrangements between the United Nations and the Government of Austria (hereinafter referred to as "the Government") in connexion with the Meetings of:

- the Commission on Transnational Corporations, 16–26 May 1978;
- the Committee on Crime Prevention and Control, 5–16 June 1978;
- the Preparatory Committee for the World Conference of the United Nations Decade for Women, 19–30 June 1978

to be convened at the invitation of the Government in Vienna.

"Arrangements between the Government of Austria and the United Nations regarding the meetings of:

- The Commission on Transnational Corporations, 16–26 May 1978;
- The Committee on Crime Prevention and Control, 5–16 June 1978;
- The Preparatory Committee for the World Conference of the United Nations Decade for Women, 19–30 June 1978, to be convened in Vienna

"His Excellency  
Mr. Erik NETTEL  
*Ambassador*

*Permanent Representative of Austria  
to the United Nations Office at Geneva*

"1. Participants in the above-mentioned Meetings will be invited by or in the name of the Secretary-General of the United Nations in accordance with the respective rules of procedure.

"2. The Government shall impose no impediment to transit to and from the Meetings of any persons whose presence at the said Meetings is authorized by the United Nations and shall grant any visas required for such persons promptly and without charge. The Convention of 13 February 1946 on the Privileges and Immunities of the United Nations shall apply.

<sup>12</sup> Came into force on 11 May 1978.

“3. Representatives of States invited to attend the said Meetings, officials of the United Nations performing functions in connexion with the said Meetings, experts on mission for the United Nations at the said Meetings and representatives of the specialized agencies, the International Atomic Energy Agency and other intergovernmental organizations invited to attend the said Meetings shall enjoy the same privileges and immunities as are accorded to the representatives to meetings of the UNIDO and to officials of the UNIDO under the Agreement referred to in paragraph 13 below.

“4. Without prejudice to the provisions of paragraph 3 above, observers invited by the United Nations to attend the said Meetings shall enjoy immunity from legal process in respect of words spoken or written or any act performed by them in their official capacity in connexion with the said Meetings.

“5. Personnel provided by the Government under paragraph 9 below shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connexion with the said Meetings with the exception of those who are assigned to hourly rates. Such immunity shall, however, not apply in case of an accident caused by vehicle, vessel or aircraft.

“6. Without prejudice to the preceding paragraphs, representatives of nongovernmental organizations invited by the United Nations to the said Meetings shall enjoy immunity from legal process in respect of words spoken or written or any act performed by them in the exercise of their functions in connexion with the said Meetings.

“ . . .

“10. The Government shall be responsible for dealing with any actions, claims or other demands which may be brought against the United Nations for damages to facilities used in the course of the said Meetings, for damage or injury to persons or property caused to third parties, or arising out of employment of local personnel, and shall hold the United Nations and their officials harmless in respect of any such actions, claims or other demands.

“11. The rooms, offices and related localities and facilities put at the disposal of the said Meetings by the Government shall be the Meeting areas, which shall constitute United Nations premises within the meaning of Article II, Section 3, of the Convention of 13 February 1946.

“12. The Government shall notify the local police of the convening of the said Meetings and request appropriate police protection.

“13. In all other respects, the Agreement between the United Nations and the Republic of Austria regarding the Headquarters of the United Nations Industrial Development Organization, dated 13 April 1967,<sup>13</sup> shall apply *mutatis mutandis* to the said Meetings, it being understood that the word “offices” in Article XV, Section 45, of the above-mentioned Agreement shall apply for the purposes of these arrangements to the said Meetings.”

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

(Signed) L. COTTAFANI

## II

Permanent Mission of Austria  
to the United Nations Office  
and the Specialized Agencies  
in Geneva

11 May 1978

Sir,

I have the honour to acknowledge receipt of your letter of 10 May 1978, containing the text of arrangements between the Government of Austria (hereinafter referred to as “the Government”) and the United Nations in connexion with the Meetings of:

<sup>13</sup> United Nations, *Treaty Series*, vol. 600, p. 93. Also reproduced in the *Juridical Yearbook*, 1967, p. 44.

- the Commission on Transnational Corporations (16 to 26 May 1978);
- the Committee on Crime Prevention and Control (5 to 16 June 1978); and
- the Preparatory Committee for the World Conference of the United Nations Decade for Women (19 to 30 June 1978).

to be convened at the invitation of the Government in Vienna.

The text of the arrangements reads as follows:

[See letter I.]

I have the honour to confirm that your letter and my answer constitute an Agreement between the Government of Austria and the United Nations which shall enter into force on the date of this reply and shall remain in force for the duration of the above listed Meetings and for such additional period as is necessary for their preparation and winding up.

(Signed) Erik NETTEL  
Ambassador

- (i) Agreement between the United Nations and Mexico regarding the arrangements for the Fourth Session of the World Food Council.<sup>14</sup> Signed at Mexico City on 2 June 1978

#### *Article X*

##### LIABILITY

The Government shall be responsible for dealing with any actions, claims or other demands against the United Nations arising out of: (a) injury or damage to person or property in the premises referred to in Article III above; (b) injury or damage to person or property caused by, or incurred in using, the transport services referred to in Article VI above; (c) the employment or the Session of the personnel provided by the Government to perform functions in connexion with the Session. The Government shall indemnify and hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands, except if it is agreed by the parties that such injury or damage was caused by gross negligence or wilful misconduct by United Nations personnel.

#### *Article XI*

##### PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 to which the Government acceded on 26 November 1962, shall be applicable to the Session.

2. Representatives of States attending the Session shall enjoy the privileges and immunities accorded to representatives of States by Article IV of the Convention.

3. Officials of the United Nations performing official duties at the Session shall enjoy the privileges and immunities provided by Articles V and VII of the Convention. The local personnel provided by the Government to perform functions in connexion with the Session shall enjoy only 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 Session.

4. Officials of the specialized agencies and of the International Atomic Energy Agency and representatives of other intergovernmental organizations participating in the Session shall enjoy the same privileges and immunities as are accorded to officials of the United Nations of a similar rank.

5. Without prejudice to the preceding paragraphs of this Article, all persons performing functions in connexion with the Session and all those invited to the Session shall enjoy the necessary privileges, immunities and facilities in connexion with their participation in the Session.

<sup>14</sup> Came into force on the date of signature.

6. The Government shall impose no impediment to transit to and from the Session of any persons whose presence at the Session is authorized by the United Nations and of any member of their immediate families. Any entry or exit visa required for such persons shall be granted immediately on application and without charge.

7. For the purpose of the application of the Convention on the Privileges and Immunities of the United Nations, the conference premises referred to in Article III above shall be deemed to constitute premises of the United Nations and access thereto shall be under the control and authority of the United Nations.

8. The participants in the Session, representatives of information media and officials of the Secretariat of the Session shall have the right to take out of Mexico at the time of their departure, without any restrictions, any unexpended portions of the funds they brought into Mexico in connexion with the Session, or which they received during their presence at the Session, at the United Nations operational rate of exchange.

### *Article XII*

#### IMPORT DUTIES AND TAX

1. The Government shall allow the temporary importation tax and duty-free of all equipment, including technical equipment accompanying representatives of information media, and shall waive import duties and taxes on supplies necessary for the Session.

2. The Government hereby waives import and export permits for the supplies needed for the Session and certified by the United Nations to be required for official use at the Session.

(j) Exchange of letters constituting an agreement between the United Nations and Austria concerning the privileges and immunities and other facilities to be accorded to UNRWA in Austria.<sup>15</sup> Beirut, 28 June 1978 and Vienna, 4 July 1978

I

28 June 1978

Sir,

I have the honour to refer to my letter of 9 June 1978, whereby I conveyed my acceptance of the offer of the Government of Austria that the Headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (Hereinafter referred to as "UNRWA") be relocated in Vienna.

It is my understanding that the Headquarters of UNRWA will be considered by the Government of Austria as an office of the United Nations coming within the purview of Section 45 of the Agreement between the United Nations and the Republic of Austria of 13 April 1967, regarding the Headquarters of the United Nations Industrial Development Organization, and that accordingly UNRWA and its staff will be granted the privileges and immunities set forth in the above-mentioned Agreement.

I have the honour to propose that this note and your note of confirmation shall constitute an Agreement between the Government of Austria and UNRWA entering into force on the date of your note of confirmation.

Thomas W. McELHINEY  
*Commissioner-General*

His Excellency  
Dr. Willibald PAHR  
*The Federal Minister for Foreign Affairs*  
Vienna, Austria

<sup>15</sup> Came into force on 6 July 1978.



II

Vienna, July 4, 1978

Sir,

I have the honour to refer to your note of 28 June 1978 which reads as follows:

[See letter I.]

I have the honour to confirm that the Government of Austria concurs with the understanding contained in your letter and that UNRWA Headquarters is to be considered as an office of the United Nations coming within the purview of Section 45 of the Agreement between the United Nations and the Republic of Austria regarding the Headquarters of the United Nations Industrial Development Organization of 13 April 1967 and that your note and this reply will constitute an Agreement between the Government of Austria and UNRWA entering into force on the date hereof.

Willibald P. PAHR

Mr. Thomas W. McElhiney  
*Commissioner-General*  
UNRWA  
Beirut

- (k) Exchange of letters constituting an agreement between the United Nations and Austria concerning the refund to UNRWA of the value added tax levied in Austria.<sup>16</sup> Beirut, 28 June 1978 and Vienna, 4 July 1978

I

28 June 1978

Sir,

I have the honour to refer to Section 45 of the Agreement between the Republic of Austria and the United Nations of 13 April 1967 regarding the Headquarters of the United Nations Industrial Development Organization (UNIDO) and to the supplemental agreement thereunder, dated 22 January 1975, governing the refund to UNIDO of value added tax. As the UNRWA Headquarters in Vienna falls within the terms of Section 45 of the UNIDO Headquarters Agreement, as another office of the United Nations set up with the consent of the Republic of Austria, I assume that the provisions of the supplemental agreement of 22 January 1975 should apply also, *mutatis mutandis*, to UNRWA. To facilitate the processing of the Agency's claim for refund of value added tax I should be grateful if you would confirm that my assumption is correct.

Thomas W. McELHINEY  
*Commissioner-General*

His Excellency  
Mr. Willibald PAHR  
*The Federal Minister for Foreign Affairs*  
Vienna, Austria

II

Vienna, July 4, 1978

Sir,

I have the honour to refer to your letter of 28 June 1978 which reads as follows:

[See letter I.]

In reply I wish to state that as the UNRWA Headquarters in Vienna falls within the terms of Section 45 of the UNIDO Headquarters Agreement, as another office of the United Nations set up

<sup>16</sup> Reproduced in the *Juridical Yearbook*, 1975, p. 13.

with the consent of the Republic of Austria, the provisions of the supplemental agreement of 22 January 1975 will be applied also, *mutatis mutandis*, to UNRWA.

Willibald P. PAHR

Mr. Thomas W. McELHINEY  
*Commissioner-General*  
UNRWA  
Beyrouth

- (I) Exchange of notes constituting an agreement between the United Nations and Austria concerning the arrangements for the resumed session of the United Nations Conference on Succession of States in respect of Treaties. New York, 3 May and 7 July 1978

I

3 May 1978

Sir,

By its resolution 32/47 of 8 December 1977, the General Assembly . . . approved "the convening of a resumed session of the . . . Conference . . . at Vienna for a period of three weeks, from 31 July to 18 August 1978, with possible extension of up to one further week should this prove necessary in the view of the Conference."

The Agreement dated April 1, 1977, between the United Nations and the Austrian Federal Government regarding the arrangements for the Conference<sup>17</sup> covered only the 1977 session. The United Nations would be agreeable to extending, *mutatis mutandis*, the provisions of the 1977 Agreement to cover the arrangements for the resumed session to be held in 1978 on the understanding that the provisions of Article II, paragraph 1 and Article XIII, paragraph 2 of said Agreement include the representatives of the United Nations Council for Namibia.

If the Austrian Government agrees to this proposal I have the honour to propose that this note and your note of confirmation shall constitute the Agreement between the United Nations and the Austrian Federal Government regarding the arrangements for the resumed session of the United Nations Conference on Succession of States in Respect of Treaties.

Erik SUY  
The Legal Counsel

His Excellency  
Mr. Peter JANKOWITSCH  
*Ambassador Extraordinary and Plenipotentiary*  
*Permanent Representative to the United Nations*  
*Permanent Mission of Austria*  
*to the United Nations*  
809 United Nations Plaza, 7th Floor  
New York, N.Y. 10017

II

New York, July 7, 1978

Sir,

I have the honour to acknowledge receipt of your note dated May 3, 1978 which reads as follows:

[See letter I.]

I have the honour to inform you that the Austrian Federal Government accepts your proposal concerning the application—*mutatis mutandis*—of the Agreement of April 1, 1977 to the resumed

<sup>17</sup> See *Juridical Yearbook*, 1977, p. 18.

session of the United Nations Conference on Succession of States in Respect of Treaties and that your note and this note of confirmation constitute an agreement, which will enter into force on the date of this note.

Peter JANKOWITSCH  
*Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Austria  
to the United Nations*

Mr. Erik SUY  
*Under-Secretary-General  
The Legal Counsel  
United Nations*

- (m) Agreement between the United Nations and India concerning the arrangements for the Meeting of ESCAP Ministers of Trade, to be held in New Delhi from 16 to 23 August 1978.<sup>18</sup> Signed at Bangkok on 14 July 1978

### *Article VIII*

#### PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, to which the Government became a party on 30 October 1945, shall be fully applicable with respect to the Conference.

2. Representatives of Members and Associate Members of the United Nations Economic and Social Commission for Asia and the Pacific and representatives or observers from other States Members of the United Nations shall enjoy privileges and immunities provided in Article IV of the Convention on the Privileges and Immunities of the United Nations. Observers of Members of the specialized agencies shall enjoy the privileges and immunities provided for representatives in Article V of the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Officials of the United Nations and experts performing functions for the United Nations at the Conference shall enjoy the privileges and immunities set forth, respectively, in Articles V, VI and VII of the said Convention.

4. Representatives of the specialized agencies and of the International Atomic Energy Agency at the Conference shall enjoy the privileges and immunities provided respectively under Articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies; representatives of other intergovernmental organizations invited to the Conference shall enjoy the same privileges and immunities as are accorded to officials of comparable rank of the specialized agencies.

5. Without prejudice to the provisions of the preceding paragraphs, all participants and all persons performing functions in connexion with the Conference shall enjoy such privileges and immunities, facilities and courtesies, as are necessary for the independent exercise of their functions in connexion with the Conference.

6. All persons referred to in this article and all persons performing functions in connexion with the Conference who are not nationals of India shall have the right of entry into and exit from India. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the Conference when applications are made at least two and half weeks before the opening of the Conference. If the application for the visa is not made at least two and half weeks before the opening of the Conference, the visa shall be granted not later than three days from the receipt of the application. Arrangements will also be made to ensure that visas for the duration of the Conference are delivered at the airport to participants who were unable to obtain them prior to their

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<sup>18</sup> Came into force on the date of signature.

arrival. Exit permits, where required, shall be granted free of charge and as speedily as possible, in any case not later than three days before the closing of the Conference.

### *Article IX*

#### LIABILITY FOR CLAIMS

The Government shall be responsible for dealing with any actions, claims or other demands arising out of:

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

(b) injury to person, or damage to or loss of property caused by, or incurred in using the transportation referred to in Article IV above;

(c) The employment of the personnel referred to in Article VI above;

and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands, except when it is agreed by the parties hereto that such injury, damage or loss is caused by the gross negligence or wilful misconduct of the United Nations personnel.

### *Article X*

#### IMPORT DUTIES AND TAX

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

(n) Agreement between the United Nations and India concerning arrangements for the UN/FAO Training Seminar on Remote Sensing Applications for Agricultural Resources, to be held at Dehra Dun, Admedabad, and Hyderabad, India, from 6 to 25 November 1978.<sup>19</sup> Signed at New York on 3 August 1978

### *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 functions in connexion with the meeting shall enjoy the privileges and immunities provided under Articles V and VII of the said Convention.

2. Officials of the specialized agencies attending the meeting in pursuance of paragraph (c) of Article II of this Agreement shall enjoy the privileges and immunities provided under Articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Participants attending the meeting in pursuance of Article II (a) of this Agreement shall enjoy the privileges and immunities of experts on mission under Article VI of the Convention on the Privileges and Immunities of the United Nations.

4. All persons performing functions in connexion with the meeting will be extended necessary facilities and courtesies.

5. Entry and exit visas, if required, shall be granted free of charge and without delay to persons enumerated in Article II of this Agreement.

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<sup>19</sup> Came into force on the date of signature.

## Article VI

### LIABILITY

The Government shall be responsible for dealing with any actions, claims or other demands arising out of (a) injury or damage to persons or property in the premises referred to in Article IV 3 (a) and (b) above; (b) injury or damage to persons or property during use of the transportation referred to in Article IV 3 (h) and (i); (c) recruitment for the seminar of the personnel referred to in Article IV 3 (d), (e) and (f) and Article IV 2 and 5 and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands, except when it is agreed by the parties hereto that such damage and injury is caused by the gross negligence or wilful misconduct of the United Nations personnel.

- (o) Exchange of letters constituting an agreement between the United Nations and the Netherlands concerning arrangements for the *Ad Hoc* Meeting of Experts on a Training Programme for the Improvement of Slums and Squatter Areas in Urban and Rural Communities to be held in Enschede, Netherlands, from 22 to 30 August 1978.<sup>20</sup> New York, 25 July and 9 August 1978

### I

25 July 1978

I have the honour to refer to the conversations and informal communications exchanged between authorities of the Dutch Government, the United Nations Centre for Human Settlements and the International Union of Local Authorities (IULA) regarding the possibility of having the Dutch Government host the *Ad Hoc* Meeting of Experts on a Training Programme for the Improvement of Slums and Squatter Areas in Urban and Rural Communities, scheduled to be held at the International Institute for Aerial Survey and Earth Sciences (I.T.C.), Enschede, Netherlands from 22 to 30 August 1978.

...

The obligations the Dutch Government would assume as host country are the following:

...

(c) The officials of the United Nations Secretariat performing functions in connexion with the meeting will enjoy such privileges and immunities as are provided for such individuals under the Convention for the Privileges and Immunities of the United Nations;

(d) The experts and other participants at the meeting shall enjoy such privileges and immunities as are provided for experts on mission for the United Nations in the Convention on the Privileges and Immunities of the United Nations;

(e) All participants shall enjoy the right of unimpeded transit to and from meetings;

(f) Visas and entry permits, when required, shall be granted as speedily as possible free of charge;

...

(h) The Government will be responsible for dealing with any actions, claims or other demands against the United Nations arising out of: (i) injury or damage to person or property in the conference or office premises provided for the Meeting, (ii) injury or damage to person or property caused by, or occurred in, using the transportation provided by the Government, and (iii) the employment for the Meeting of personnel provided or arranged by the Government; and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands.

...

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<sup>20</sup> Came into force on 9 August 1978.

On the receipt of written confirmation by your Government of the contents of this letter, this exchange of correspondence will be taken as the agreement between the United Nations and the Netherlands covering the sponsorship of the *Ad Hoc* Meeting of Experts on a Training Programme for the Improvement of Slums and Squatter Areas in Urban and Rural Communities to be held in Enschede, Netherlands, 22–30 August 1978.

Sergey OZHEGOV  
*Officer in Charge*  
*Centre for Human Settlements*

Mr. Dieter A. VAN BUUREN  
*Acting Permanent Representative*  
*to the United Nations*  
*Permanent Mission of the Kingdom of the*  
*Netherlands to the United Nations*

## II

New York, 9 August 1978

I am referring to your letter dated 25 July 1978, concerning the *Ad Hoc* Meeting of Experts on a Training Programme for the Improvement of Slums and Squatter Areas in Urban and Rural Communities scheduled to be held at the International Institute for Aerial Survey and Earth Sciences (I.T.C.) in Enschede, Netherlands from 22 to 30 August 1978, and have the honour to inform you that the Netherlands Government agrees to the following:

...

(c) and (d) That for the purposes of the Meeting the Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which the Kingdom of the Netherlands is a party, shall apply;

(e) That all participants shall enjoy the right of unimpeded transit to and from the Meeting;

(f) That visas and entry permits, where required, shall be granted as speedily as possible free of charge;

...

(h) That the Netherlands Government will be responsible for dealing with any actions, claims or other demands against the United Nations arising out of: (i) injury or damage to person or property in the conference or office premises provided for the Meeting, (ii) injury or damage to person or property caused by, or occurred in, using the transportation provided by the Government, and (iii) the employment for the Meeting of personnel provided or arranged by the Government; and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands.

T. P. HOFSTEE  
*Chargé d'Affaires a.i.*

Mr. Sergey OZHEGOV  
*Officer-in-Charge*  
*Centre for Human Settlements*  
*United Nations*

(p) Agreement between the United Nations and Kenya concerning arrangements for the United Nations Regional Training Seminar on Remote Sensing Applications, co-sponsored by the United Nations Environment Programme and Sweden, to be held in Nairobi from 4 to 16 September 1978.<sup>21</sup> Signed in New York on 10 August 1978

This Agreement contains provisions similar to articles V and VI of an agreement between the United Nations and Pakistan reproduced on p. 47 of the *Juridical Yearbook*, 1976.

<sup>21</sup> Came into force on the date of signature.

- (q) Agreement between the United Nations and Argentina concerning the arrangements for the United Nations Conference on Technical Co-operation among Developing Countries to be held in Buenos Aires from 30 August to 12 September 1978.<sup>22</sup> Signed at New York on 14 August 1978

This Agreement contains provisions similar to articles IX, X and XI of an agreement between the United Nations and Argentina reproduced on pp. 15 and 16 of the *Juridical Yearbook, 1977* except that the provision corresponding to article IX contains the following additional paragraph:

“3. The Government shall indemnify the United Nations for any damage to or loss of its property within Argentinian territory, except where it is agreed by the parties hereto that such damage or loss is caused by the wilful misconduct or gross negligence of United Nations personnel.”

- (r) Exchange of letters constituting an agreement between the United Nations and China concerning the ESCAP Workshop on Efficient Use and Maintenance of Irrigation Systems at the Farm Level in China, to be held from 24 August to 8 September 1978.<sup>23</sup> Bangkok, 18 and 21 August 1978

## I

Bangkok, 18 August 1978

Excellency,

Referring to the correspondence and discussions between the officials of the Chinese Embassy and of the ESCAP Secretariat concerning the ESCAP Workshop on Efficient Use and Maintenance of Irrigation Systems at the Farm Level in China, I hereby confirm our agreement on the following points:

...

5. The Chinese Government shall provide the participants in the above Workshop with the diplomatic privileges and facilities necessary for the performance of their normal functions in accordance with usual practice.

Upon receipt of your confirmation of the above points, the present note and the reply from Your Excellency shall constitute an agreement between the Government of the People's Republic of China and the Economic and Social Commission for Asia and the Pacific on the above-mentioned project.

CHANG Wei-lieh  
*Ambassador to Thailand  
and Permanent Representative to ESCAP  
of the People's Republic of China*

His Excellency  
Mr. J. P. B. MARAMIS  
*Executive Secretary  
Economic and Social Commission  
for Asia and the Pacific*

## II

21 August 1978

I have the honour to acknowledge the receipt of your letter of 18 August 1978 regarding the ESCAP Workshop on Efficient Use and Maintenance of Irrigation Systems at the Farm Level in China and addressed to the Executive Secretary, who is away on mission.

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

<sup>23</sup> Came into force on 21 August 1978.

I take pleasure in confirming the agreement of the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) with the following points:

5. The Chinese Government will provide the participants in the above Workshop with the diplomatic privileges and facilities necessary for the performance of their normal functions in accordance with the usual practice.

I further confirm that your letter of 18 August 1978 and this reply will constitute an agreement between the Government of the People's Republic of China and the United Nations Economic and Social Commission for Asia and the Pacific on the above-mentioned project.

S. Masood HUSAIN  
*Officer-in-Charge*  
*for the Executive Secretary*

His Excellency  
Mr. CHANG Wei-lieh  
*Ambassador Extraordinary and Plenipotentiary*  
*Permanent Representative of the*  
*People's Republic of China to ESCAP*  
*Chinese Embassy*

(s) Agreement between the United Nations and the Philippines regarding the arrangements for the fifth session of the United Nations Conference on Trade and Development.<sup>24</sup> Signed at Geneva on 14 September 1978

#### SECTION XIII. PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 shall be applicable in respect of the Conference. In particular, the representatives of States members of UNCTAD and representatives of the United Nations Council for Namibia, as well as United Nations officials and experts on mission for the United Nations shall enjoy the privileges and immunities provided by, respectively, Articles IV, V, VI and VII of the said Convention.

2. The representatives of the specialized agencies, the International Atomic Energy Agency and other intergovernmental organizations attending the Conference shall enjoy the same privileges and immunities as are accorded to officials of the United Nations of a comparable rank.

3. The representatives of the organizations referred to in Section I, 1 (c), and the observers designated by the National Liberation Movements referred to in Section I, 1 (d), and observers of non-governmental organizations referred to in Section I, 1 (h), shall enjoy immunity from legal process in respect of words spoken or written and any action performed by them in their official capacity in connexion with the Conference.

4. The personnel provided by the Government under Section V above, with the exception of those assigned to hourly rates, shall enjoy immunity from legal process in respect of words spoken or written and any action performed by them in their official capacity in connexion with the Conference.

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

6. All persons referred to in Section I shall have the right of entry into and exit from the Philippines, and the Government shall ensure that no impediment is imposed on their transit to and from the conference premises. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the Conference when the applications are made at least two and a half weeks before the opening of the Conference. If the application for the visa is not

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



made at least two and a half weeks before the opening of the Conference, the visa shall be granted not later than three days from the receipt of the application. Arrangements will also be made to ensure that visas for the duration of the Conference are delivered at the airport of arrival to participants who were unable to obtain them prior to their arrival. Exit or travel permits, where required, shall be granted free of charge, as speedily as possible, and in any case not later than three days before the closing of the Conference.

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

8. All persons referred to in Section I shall have the right to take out of the Philippines at the time of their departure, without any restrictions, any unexpended portions of the funds they brought into the Philippines in connexion with the Conference at the United Nations official rate of exchange prevailing when the funds were brought in.

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

#### SECTION XV. LIABILITY FOR INJURY, PROPERTY LOSS OR DAMAGE

1. The Government shall be responsible for dealing with any actions, claims or other demands against the United Nations arising out of:

- (a) Injury or damage to person or property in the premises referred to in Section II above;
- (b) Injury or damage to person or property caused by, or incurred in using, the transport services referred to in Section VI, paragraph 2 above;
- (c) The employment for the Conference of the personnel provided by the Government to perform functions in connexion with the Conference.

2. The Government shall indemnify and hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands. The United Nations shall co-operate with the Government to enable it to discharge its responsibilities under this Section

- (t) Agreement between the United Nations and Brazil concerning arrangements for the United Nations Regional Seminar on the Use of Satellite Technology for Disaster Application, to be held at Sao Jose dos Campos, Brazil, from 2 to 10 October 1978.<sup>25</sup> Signed at New York on 27 September 1978

This agreement contains provisions similar to Articles V and VI of an agreement between the United Nations and Pakistan reproduced on page 47 of the *Juridical Yearbook* 1976.

- (u) Memorandum of Understanding between the United Nations and Jordan concerning the arrangement for the fifth session of the United Nations Economic Commission for Western Asia, to be held in Amman from 2 to 6 October 1978.<sup>26</sup> Signed at Amman on 2 October 1978

This agreement contains an article similar to Article VII of an agreement between the United Nations and Qatar reproduced on pages 34 and 35 of the *Juridical Yearbook*, 1976.

- (v) Agreement between the United Nations and Austria to continue the European Centre for Social Welfare Training and Research.<sup>27</sup> Signed at New York on 7 December 1978

<sup>25</sup> Came into force on the date of signature.

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

<sup>27</sup> Came into force on the date of signature.

## *Article II*

### LEGAL STATUS OF THE CENTRE

1. The host Government shall take the necessary steps to ensure the Centre's status as an autonomous non-profitmaking entity having legal personality under Austrian law. The statutes of the Centre should be in accordance with the provisions of this Agreement, in particular the provisions relating to the purposes, functions and organization of the Centre.

2. As the statutes of the Centre have been communicated to the United Nations in accordance with Article II of the Agreement for the Establishment of the Centre, signed on 24 July 1974,<sup>28</sup> any proposed changes of the statutes shall be communicated to the United Nations before they may take effect.

## *Article VIII*

### ACCESS TO THE CENTRE

1. Subject to the normally applicable restrictions under Austrian law, the host Government shall grant such visas and permits as may be necessary in order to ensure adequate conditions of work and stay and access to the Centre to all foreign members of the staff of the Centre and all persons officially invited to the Centre or the meetings held there.

...

(w) Agreement between the United Nations and the Philippines concerning the arrangement for the thirty-fifth session of the Economic and Social Commission for Asia and the Pacific, to be held in Manila, Philippines, from 5 to 16 March 1979.<sup>29</sup> Signed at Bangkok on 8 December 1978

## *Article VII*

### PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, to which the Government became a party on 24 October 1945, shall be fully applicable with respect to the Conference.

2. Representatives of Members and Associate Members of the United Nations Economic and Social Commission for Asia and the Pacific and representatives or observers from other States Members of the United Nations shall enjoy privileges and immunities provided in Article IV of the Convention on the Privileges and Immunities of the United Nations. Observers of Members of the specialized agencies shall enjoy the privileges and immunities provided for representatives in Article V of the Convention on the Privileges and Immunities of the Specialized Agencies.

3. Officials of the United Nations and experts performing functions for the United Nations at the Conference shall enjoy the privileges and immunities set forth, respectively, in Articles V, VI and VII of the said Convention.

4. Representatives of the specialized agencies and of the International Atomic Energy Agency at the Conference shall enjoy the privileges and immunities provided respectively under Articles VI and VII of the Convention on the Privileges and Immunities of the Specialized Agencies and under Articles VI and IX of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency; representatives of other intergovernmental organizations invited to the Conference shall enjoy the same privileges and immunities as are accorded to officials of comparable rank of the specialized agencies.

<sup>28</sup> See *Juridical Yearbook*, 1974, p. 21.

<sup>29</sup> Came into force on the date of signature.

5. Without prejudice to the provisions of the preceding paragraphs, all participants and all persons performing functions in connexion with the Conference shall enjoy such privileges and immunities, facilities and courtesies, as are necessary for the independent exercise of their functions in connexion with the Conference.

6. All persons referred to in this article and all persons performing functions in connexion with the Conference who are not nationals of the Philippines shall have the right of entry into and exit from the Philippines. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the Conference when applications are made at least two and a half weeks before the opening of the Conference. If the application for the visa is not made at least two and a half weeks before the opening of the Conference, the visa shall be granted not later than three days from the receipt of the application. Arrangements will also be made to ensure that visas for the duration of the Conference are delivered at the airport to participants who were unable to obtain them prior to their arrival. Exit permits, where required, shall be granted free of charge and as speedily as possible, in any case not later than three days before the closing of the Conference.

#### *Article VIII*

##### LIABILITY FOR CLAIMS

The Government shall be responsible for dealing with any actions, claims or other demands arising out of:

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

(b) injury to person, or damage to or loss of property caused by, or incurred in using, the transportation referred to in Article IV above;

(c) the employment of the personnel referred to in Article VI above;  
and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other demands.

#### *Article IX*

##### IMPORT DUTIES AND TAX

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

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### 3. AGREEMENTS RELATING TO THE UNITED NATIONS DEVELOPMENT PROGRAMME: STANDARD BASIC AGREEMENT CONCERNING ASSISTANCE BY THE UNITED NATIONS DEVELOPMENT PROGRAMME<sup>30</sup>

#### *Article III*

##### EXECUTION OF PROJECTS

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5. . . . [See *Juridical Yearbook*, 1973, p. 24]

...

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<sup>30</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, represent 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

[See *Juridical Yearbook*, 1973, p. 25]

*Article X*

FACILITIES FOR EXECUTION OF UNDP ASSISTANCE

[See *Juridical Yearbook*, 1973, pp. 25 and 26]

*Article XI*

GENERAL PROVISIONS

...

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

...

Agreements between the United Nations (United Nations Development Programme) and the Governments of Maldives,<sup>31</sup> Viet Nam,<sup>32</sup> Nicaragua,<sup>33</sup> Greece,<sup>34</sup> the United Republic of Tanzania,<sup>35</sup> Bhutan,<sup>36</sup> Bahrain<sup>37</sup> and the Sudan<sup>38</sup> concerning assistance by the United Nations Development Programme. Signed, respectively, at Malé on 25 January 1978, at New York on 21 March 1978, at Managua on 4 May 1978, at Athens on 12 May 1978, at Dar es Salaam on 30 May 1978, at New Delhi on 10 July 1978, at Manema on 3 August 1978 and at Khartoum on 24 October 1978

These agreements contain provisions similar to Articles II, 5, IX, X and XIII of the standard basic agreement.

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4. AGREEMENTS CONCERNING ASSISTANCE FROM  
THE WORLD FOOD PROGRAMME

Basic agreement 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 Sao Tomé and Principe concerning assistance from the World Food Programme.<sup>39</sup> Signed at Sao Tomé on 28 October 1977 and at Libreville on 4 November 1977

*Article V*

FACILITIES, PRIVILEGES AND IMMUNITIES

1. The Government shall afford to officials and consultants of the World Food Programme and to other persons performing services on behalf of the Programme such facilities as are afforded to those of the United Nations and specialized agencies.

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<sup>31</sup> Came into force on the date of signature.

<sup>32</sup> Came into force on the date of signature.

<sup>33</sup> Came into force on the date of signature.

<sup>34</sup> Applied provisionally from 12 May 1979.

<sup>35</sup> Came into force on the date of signature.

<sup>36</sup> Came into force on the date of signature.

<sup>37</sup> Applied provisionally from 3 August 1978.

<sup>38</sup> Applied provisionally from 24 October 1978.

<sup>39</sup> Came into force on 4 November 1977.

2. The Government shall apply the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies to the World Food Programme, its property, funds and assets and to its officials and consultants.

3. The Government shall be responsible for dealing with any claims which may be brought by third parties against the World Food Programme or against its officials or consultants or other persons performing services on behalf of the World Food Programme under this Agreement and shall hold the World Food Programme and the above-mentioned persons harmless in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Government and the World Food Programme that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.

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## **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>40</sup> APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947**

In 1978, no additional State acceded to the Convention or undertook by notification to apply the provisions of the Convention in respect of specific specialized agencies.<sup>41</sup>

As of 31 December 1978, 87 States were parties to the Convention.

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### **2. INTERNATIONAL LABOUR ORGANISATION**

#### **(a) Agreement between the International Labour Organisation and Belgium on the Establishment of the Office of the Organisation in Belgium.<sup>42</sup> Signed at Brussels on 4 November 1976**

##### *Article 1*

1. The Director of the Office of the International Labour Organisation shall enjoy the benefits accorded to the members of the diplomatic staff of diplomatic missions. The spouse of the Director of the Office and his (or her) minor children living with him (or her) shall enjoy the benefits accorded to the spouse and minor children of members of the diplomatic staff.

2. Without prejudice to Article VI, Section 19 of the Convention, the provisions of paragraph 1 of this Article are not applicable to Belgian nationals.

##### *Article 2*

The Belgian Government shall facilitate the entry into and stay in Belgium of persons invited to the Office of the International Labour Organisation on official business, and their departure from the country.

##### *Article 3*

The members of the staff of the International Labour Office covered by the Staff Regulations who are not engaged in any private gainful employment in Belgium other than that required by their

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<sup>40</sup> United Nations, *Treaty Series*, vol. 33, p. 261.

<sup>41</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>42</sup> Came into force on 26 September 1978.

functions shall be affiliated to the social security schemes of the Organisation in accordance with the rules and regulations of such schemes.

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

- (a) Agreement between the Food and Agriculture Organization of the United Nations and the Government of the Republic of El Salvador concerning the Establishment of the Office of the FAO Representative in El Salvador.<sup>43</sup> Signed in Rome on 30 November 1977

...

5. The Government agrees to apply to the Organization, to its officials, and to its property, funds and assets, *mutatis mutandis*, the provisions of the Convention on the Privileges and Immunities of the United Nations. The FAO Representative in El Salvador shall enjoy the treatment accorded under international law to the Heads of Diplomatic Missions. The Government also agrees to accord to FAO, to the FAO Representative and to the officials under his orders, privileges and immunities no less favourable than those accorded to any other international organization and its officials in El Salvador.

6. The Government shall take all necessary steps to facilitate the entry into, sojourn in and departure from El Salvador of all individuals visiting the Office of the FAO Representative on official business, and travel by the staff of the relevant institutions of El Salvador, when this is necessary in connexion with FAO activities.

- (b) Agreements based on the standard ‘‘Memorandum of Responsibilities’’ in respect of FAO Sessions

Agreements concerning specific sessions held outside FAO Headquarters and containing provisions on privileges and immunities of FAO and participants similar to the standard text (published in the *Juridical Yearbook*, 1972, p. 32) were concluded in 1978 with the governments of the following countries acting as hosts to such sessions:

Argentina, Belgium, Colombia,<sup>44</sup> France,<sup>44</sup> Germany, Federal Republic of,<sup>44</sup> Ghana, India, Indonesia, Iraq, Italy,<sup>44</sup> Japan,<sup>44</sup> Libyan Arab Jamahiriya, Malaysia, Mexico,<sup>44</sup> Nepal, Panama, Peru, Philippines, Portugal, Spain, Sudan, Switzerland,<sup>44</sup> Syrian Arab Republic, Thailand, Tunisia, United Republic of Tanzania, Uruguay, Venezuela, Zambia.

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

Agreements concerning specific training courses, etc., 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 1978 with the governments of the following countries acting as hosts to such training activities:

Cuba, Egypt, Fiji, Finland, France,<sup>44</sup> Honduras, India,<sup>44</sup> Indonesia,<sup>44</sup> Kenya, Morocco, Philippines, Senegal, Sri Lanka,<sup>44</sup> Thailand, Uruguay, United Kingdom, United Republic of Tanzania, United States of America.<sup>44</sup>

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<sup>43</sup> Came into force on 7 March 1978.

<sup>44</sup> Certain departures from, or amendments to, the standard text were introduced at the request of the Host Government.

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

Agreements relating to conferences, seminars and other meetings

- (a) Agreement between the Government of Indonesia and the United Nations Educational, Scientific and Cultural Organization concerning the Regional Meeting of National Committees for the International Hydrological Programme. Signed at Paris on 2 August 1978

##### III. *Privileges and immunities*

The Government of Indonesia shall apply, in all matters relating to the meeting, the Convention on the Privileges and Immunities of the Specialized Agencies and Annex IV thereto relating to UNESCO, to which it has been a party since 8 March 1972. In particular, it shall ensure that no restriction is imposed upon the right of entry into, sojourn in and departure from its territory of all persons entitled to participate in this meeting without distinction of nationality.

- (b) Agreements containing provisions similar to that referred to in paragraph (a) above were also concluded between UNESCO and the Governments of Algeria, Argentina, Austria, Belgium, Costa Rica, Cuba, Dominica, Finland, Ghana, Greece, India, Italy, the Ivory Coast, Luxembourg, Mexico, Nepal, Niger, Norway, Pakistan, Peru, Senegal, Spain, Sweden, the Syrian Arab Republic, Tunisia, the Union of Soviet Socialist Republics, Uruguay, Venezuela and Yugoslavia.

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#### 5. WORLD HEALTH ORGANIZATION

Basic agreement between the World Health Organization and Portugal on technical advisory co-operation. Signed on 12 June 1979

This agreement contains provisions similar to Article I, paragraph 6, and Article V of the Agreement between the World Health Organization and Guyana reproduced on p. 56 of the *Juridical Yearbook*, 1968.

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