

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1980

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 NATIONS¹ APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 FEBRUARY 1946

(a) Status of the Convention

The following States acceded to the Convention on the Privileges and Immunities of the United Nations in 1980:²

<i>State</i>	<i>Date of receipt of instrument of accession</i>
Germany, Federal Republic of ³	5 November 1980
Seychelles	26 August 1980

This brought up to 118 the number of States parties to this Convention.

(b) Decision of 21 November 1980 taken by the Taxation Board of Review of Australia⁴

Receipt of pension by former employee of the United Nations — Participation in the United Nations Joint Staff Pension Fund — Article V of the Convention on the Privileges and Immunities of the United Nations — International Organisations (Privileges and Immunities) Act 1948 and Regulations — Decision that pension received by taxpayer is not exempt income within the terms of section 23(y) of the Income Tax Assessment Act 1936

From 1 June 1967 until about 31 July 1972 the taxpayer was employed by the United Nations as a full-time member of its staff in a country outside Australia. During that period he was an official of the United Nations to whom the privileges and immunities prescribed by Article V of the Convention on the Privileges and Immunities of the United Nations (“the Convention”), adopted by the General Assembly of the United Nations on 13 February 1948, applied. Pursuant to Article 21 of the Regulations of the United Nations Joint Staff Pension Fund,⁵ he was required to become a participant of the Fund and pursuant to Article 25 of these Regulations, he contributed a portion of his salary to the Fund. Upon ceasing to be employed by the United Nations, and being then more than fifty-five years of age, the taxpayer became entitled to be paid an early retirement benefit pursuant to the provisions of Article 30 of those Regulations. During the year of income ended 30 June 1977 pension benefits were credited to the taxpayer’s bank account in Australia.

By the International Organisations (Privileges and Immunities) Act 1948 (Act No. 72 of 1948)⁶ approval was given to the accession by Australia to the Convention. The text of the Convention was set out in a schedule to the Act, and the Act enabled the Governor-General to make regulations to give effect to the provisions of the Convention. Australia acceded to the Convention on 2 March 1949.

The International Organisations (Privileges and Immunities) Regulations were made under the International Organisations (Privileges and Immunities) Act 1948 on 16 March 1959 (S.R. 1959, No.20).⁷ Regulation 3(1) provided: “The United Nations or a person in relation to whom the Convention applies has, in Australia, the privileges and immunities applicable under the Convention to the United Nations or that person, as the case may be”.

Article V of the Convention provides, in paragraph (b) of Section 18, that "Officials of the United Nations shall . . . be exempt from taxation on the salaries and emoluments paid to them by the United Nations". Section 23(y) of the Income Tax Assessment Act 1936 provides that "the official salary and emoluments of an official of a prescribed organisation of which Australia and one or more other countries are members . . ." shall be exempt from income tax.

The taxpayer objected to the assessment by the Commissioner of Taxation that his pension of \$2,600 received from the United Nations was part of his taxable income, and requested the Commissioner to refer the decision to a Board of Review for review. The grounds of the taxpayer's objection were that Section 23(y) of the Income Tax Assessment Act 1936 exempted from income tax the official salary and emoluments of an official of a prescribed organization; that the United Nations was a prescribed organization in accordance with Income Tax Regulations 4AB(1) and 4AB(2); and that his pension of \$2,600 received was part of his official salary and emoluments received as an official of the United Nations.

The decision of the No. 1 Board of Review was given on 21 November 1980. After reviewing the facts of the case and the relevant legislation outlined above, the Board concluded that the taxpayer's pension was not exempt in terms of section 23(y) of the Income Tax Assessment Act 1936. Included in the reasons of the Board for its decision was the following:

"15. As would be expected participation in the Fund does not follow as a matter of course without a medical examination, except in nominated circumstances which, presumably, did not exempt the taxpayer from such examination. Forfeiture of benefits may arise.

"16. Because participation in the Fund is not conferred automatically it is a misnomer to speak of a person such as the taxpayer getting as a 'package' an emolument which includes a salary and pension benefits (at the conclusion of employment or on the happening of nominated events).

"17. Although the word 'emolument' in some contexts may comprehend a pension payable after employment has ceased, the Convention aforesaid and the legislation and subordinate legislation, so also the regulations and rules of the United Nations Joint Staff Pension Fund all tend to the construction that an emolument relates to a monetary benefit payable to one who is presently serving the United Nations (or a member organization of the said Fund) and conversely that a pension relates to a monetary payment to that person (or his widow or dependant) after his contributory service has been brought to an end by death, disability or other qualifying retirement. Furthermore, as the Fund is held by the United Nations on behalf of the participants and of the beneficiaries of the Fund the Fund is not the property of the United Nations, but rather it holds as trustee. Accordingly, payments from the Fund to a pensioner are not payments from the assets of the United Nations even though such payments come from a fund which is held by the United Nations.

"18. Thus it follows that the taxpayer as a former official of the United Nations cannot bring the subject pension within the opening words of sec. 23(y) of the Income Tax Assessment Act viz. 'the official salary and emoluments of an official' even though the former employer was comprehended by the words next ensuing in sec. 23(y) viz., 'of a prescribed organization of which Australia', etc. (Case M90, 80 *Australian Tax Cases* 648, at page 652)".

The taxpayer's objection was accordingly disallowed.

2. AGREEMENTS RELATING TO MEETINGS AND INSTALLATIONS

- (a) Third supplemental agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations.⁸ Signed at New York on 10 December 1980

The United Nations and the United States of America:

Considering that the space available within the Headquarters District, as defined in annex 1 of the Agreement regarding the Headquarters of the United Nations signed at Lake Success on 26

June 1947, that referred to in the Supplemental Agreement of 9 February 1966 as amended by the Exchange of Notes of 8 December 1966, and that referred to in the Second Supplemental Agreement of 28 August 1969 are inadequate and it has become necessary for units of the Secretariat of the United Nations to be provided with other premises outside the areas so delineated;

Considering that, for this purpose, the United Nations has acquired leases of certain additional office space;

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

Desiring to conclude a Third Supplemental Agreement in accordance with Section 1 (a) of the Headquarters Agreement, in order to include those premises within the Headquarters District.

Have agreed as follows:

Article I

The Headquarters District within the meaning of Section 1 (a) of the Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations, signed at Lake Success on 26 June 1947, shall include, in addition to the area defined in annex 1 to that Agreement, the premises described in the annexes of this Supplemental Agreement. The first part of the annexes shows newly added premises whereas the second part indicates the state of United Nations occupancy in premises already covered by previous Supplemental Agreements.

Article II

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

Article III

This Third Supplemental Agreement shall enter into force upon its signature.

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

DONE in duplicate, in the English language, at New York this tenth day of December 1980.

- (b) Agreement between the United Nations and the Republic of Austria regarding the Headquarters of the United Nations Industrial Development Organization. Signed at New York on 13 April 1967

Exchange of letters between the United Nations and Austria constituting a Supplemental Agreement to the above-mentioned Agreement relating to the turnover tax system (value added tax system).⁹ Vienna and New York, 24 April 1980

I

Vienna, 24 April 1980

Excellency,

I have the honour to refer to the Agreement between the Republic of Austria and the United Nations regarding the Headquarters of the United Nations Industrial Development Organization (hereinafter referred to as "the Headquarters Agreement") and in particular to Section 16 (a) of the Headquarters Agreement which provides:

"The UNIDO, its assets, income and other property shall be exempt from all forms of taxation, provided, however, that such tax exemption shall not extend to the owner or lessor of any property rented by the UNIDO".

The Headquarters Agreement provides further in its Section 16 (b), *inter alia*:

“In so far as the Government, for important administrative considerations, may be unable to grant to the UNIDO exemption from indirect taxes which constitute part of the cost of goods purchased by or services rendered to the UNIDO, including rentals, the Government shall reimburse the UNIDO for such taxes by the payment, from time to time, of lump sums to be agreed upon by the UNIDO and the Government. It is, however, understood that the UNIDO will not claim reimbursement with respect to minor purchases . . .”

I also wish to refer to the Agreement between the Republic of Austria and the United Nations regarding the Postal Services to be provided in the Vienna International Centre, signed on 28 June 1979, and, in particular, to Article 2, paragraph 4, of this Agreement according to which all postage stamps and related items, imported or acquired in Austria, by the United Nations for the purposes of sale by the VIC Post Office “are to be considered as articles coming within the purview of Section 16 of the UNIDO Headquarters Agreement”.

With the present I have the honour to propose that, with respect to the turnover tax system (value added tax system) in Austria, the provisions referred to above shall be implemented as follows:

1. The Austrian Federal Government (hereinafter referred to as “the Government”) shall reimburse the United Nations the turnover tax on goods delivered or services rendered to the United Nations, including rentals. The United Nations shall not claim reimbursement of the turnover tax for goods delivered or services rendered of a net value, excluding the turnover tax, of less than AS 1,000.

2. Reimbursement of the turnover tax shall be made on the basis of a list of all goods delivered and services rendered subject to reimbursement in accordance with this Supplemental Agreement. These lists shall cover periods of six months each and shall be transmitted by the United Nations to the Government. Upon request, the United Nations shall permit representatives of the Government to inspect the originals of the invoices for any such goods delivered and services rendered.

3. This Supplemental Agreement shall enter into force simultaneously with the Agreement between the Republic of Austria and the United Nations regarding the Postal Services to be provided in the Vienna International Centre signed on 28 June 1979, and it shall remain in force for the duration of that Agreement.

If you agree to this proposal, I have the honour to propose that this letter, together with your letter in reply accepting the proposal, shall constitute an agreement between the Government and the United Nations implementing, to this extent, the relevant provisions of the Headquarters Agreement.

(Signed) Willibald P. PAHR
Federal Minister for Foreign Affairs

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

II

New York, 24 April 1980

Excellency,

I have the honour to refer to your note of 24 April 1980 which reads as follows:

(See letter I)

I have the honour to confirm that I agree to the foregoing proposal and that I regard your letter in this reply as constituting an agreement between the Government and the United Nations implementing to this extent, the relevant provisions of the Headquarters Agreement.

(Signed) Kurt WALDHEIM

H.E. Dr. Willibald P. PAHR
Federal Minister for Foreign Affairs

- (c) Agreement between the Government of Lebanon and the United Nations on the temporary Headquarters of the United Nations Economic Commission for Western Asia.¹⁰ Signed at Beirut on 12 December 1978

The Government of Lebanon and the United Nations,

Desiring to conclude an Agreement for the purpose of regulating questions arising as a result of the Economic Commission for Western Asia (Commission) resolution No. 6 (S-1) of 9 September 1974, endorsed by the Economic and Social Council on 18 October 1974 to establish a temporary headquarters of the Commission in Beirut for a period of five years;

Whereas the Government of Lebanon agrees to grant the Commission, as long as its temporary headquarters is in Lebanon, the necessary facilities to enable the Commission to implement its scheduled programme of work and projects;

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, to which Lebanon is a party, applies by definition to the United Nations Economic Commission for Western Asia;

Desiring to conclude an Agreement supplementing the Convention on the Privileges and Immunities of the United Nations in order to regulate matters not covered therein resultant from the establishment of the temporary headquarters of the United Nations Economic Commission for Western Asia in Beirut;

Have agreed as follows:

Article 1

DEFINITIONS

In this Agreement,

- (a) The expression "Commission" means the United Nations Economic Commission for Western Asia;
- (b) The expression "Government" means the Government of Lebanon;
- (c) The expression "Executive Secretary" means the Executive Secretary of the Commission or his authorized representative;
- (d) The expression "Headquarters" means the temporary headquarters site with the building or premises occupied by the Commission in accordance with the provision set forth from time to time in the annexed agreements referred to in article 2, paragraph 2;
- (e) The expression "officials of the Commission" means the Executive Secretary and all members of the staff of the Commission with the exception of officials or employees recruited locally and are assigned to hourly rates;
- (f) The expression "Convention" means the Convention on the Privileges and Immunities of the United Nations, adopted by the United Nations General Assembly on 13 February 1946.

Article 2

HEADQUARTERS

1. The Headquarters shall be under the authority and control of the Commission.
2. The Government offers and the Commission accepts the use and occupation of the Headquarters according to the terms and conditions provided for, from time to time, in subsequent agreements to be concluded between the Government and the Commission.

3. The Commission may lay down internal regulations to be observed throughout the Headquarters; such regulations shall determine the rules necessary for performing work therein.

4. Except for the provisions of the previous paragraph the Headquarters shall be subject to Lebanese laws and regulations.

5. The Headquarters shall be inviolable. Government officers and officials shall not enter the Headquarters to perform their official duties except upon the agreement of or at the request of the Executive Secretary and under conditions agreed to by him.

6. Judicial actions, including the impounding of private property, cannot be enforced in the Headquarters.

7. Without prejudice to the provisions of the Convention or of this Agreement, the Commission shall prevent the Headquarters from being used as a refuge by persons who are avoiding arrest under any law of Lebanon, or who are required by the Government for extradition to another country or who are endeavouring to avoid service of legal process.

8. The Government shall ensure the protection of the Headquarters and shall maintain security around its site.

9. The competent Lebanese governmental authorities shall make every possible effort to secure, on fair conditions and upon the request of the Executive Secretary the public services needed by the Commission, such as postal, telephone and telegraph services, power, water and fire protection services.

10. With due regard to article 4, paragraph 1, the Commission shall avail itself, in respect of the services maintained by the Government or by the agencies subject to governmental supervision, of the reduced tariffs granted to other governments including their diplomatic missions.

11. In case of *force majeure*, resulting in a complete or partial interruption of the aforesaid services, the Commission shall for the performance of its functions be accorded the priority given to national public departments.

Article 3

FREEDOM OF ACCESS TO THE HEADQUARTERS

1. The competent Lebanese authorities shall not impede the transit to or from the Headquarters of persons holding official posts therein or of persons invited thereto upon their arrival in or departure from Lebanon.

2. The Government undertakes, for this purpose, to allow the entry into and residence in Lebanon of the persons listed hereunder during their assignment or during the performance of their duties for the Commission, without charging visa fees and without delay:

(a) Representatives of the member States to the conferences and meetings convened in the Headquarters country, including alternate representatives, advisers, experts and secretaries, as well as their spouses and dependent children;

(b) Commission officials and experts, as well as their spouses and dependent children;

(c) Officials of the United Nations or any of its specialized agencies or the International Atomic Energy Agency who are assigned to work for the Commission and those who have official duties with the Commission, as well as their spouses and dependent children;

(d) Persons on mission for the Commission but who are not officials of the Commission, as well as their spouses and dependent children;

(e) All persons invited to the Headquarters on official business.

3. Without prejudice to the special immunities which they may have enjoyed, persons referred to in paragraph 2 above may not be forced by the Lebanese authorities to leave Lebanese territory unless they abuse their recognized residence privileges by exercising an activity irrelevant to their jobs or duties with the Commission, and subject to the provisions mentioned hereunder:

(a) No action to force the persons referred to in paragraph 2 to leave Lebanese territory may be taken without the consent of the Minister for Foreign Affairs and Lebanese Overseas, who shall consult with the Executive Secretary prior to giving the consent.

(b) Persons enjoying diplomatic immunities and privileges under this Agreement may not be requested to leave Lebanese territory except in accordance with the practices and procedures applicable to diplomats accredited to the Government.

(c) It is understood that persons referred to in paragraph 2 shall not be exempt from the reasonable application of quarantine or other health regulations.

Article 4

COMMUNICATIONS FACILITIES

1. For postal, telephone, telegraph and telephoto communications the Government shall accord to the Commission a treatment equivalent to that accorded to all other Governments, including their diplomatic missions, in regard to priorities, tariffs and charges on mail, cablegrams, telegrams, telephotos, telephone calls and other communications, as well as rates for news reported to the press and radio.

2. The Government shall secure the inviolability of the official correspondence of the Commission and shall not apply any censorship to such correspondence.

3. Such immunity shall extend, without limitation by reason of this enumeration to publications, still and moving pictures, films and sound recordings dispatched to or by the Commission.

4. The Commission shall have the right to use codes and to dispatch or receive official correspondence by courier who shall have the same privileges and immunities as diplomatic couriers or in special pouches to which shall apply the provisions internationally applicable to diplomatic pouches.

Article 5

PROPERTIES, FUNDS AND ASSETS

The Government shall apply *mutatis mutandis* to the property, funds and assets of the Commission wherever they are and by whomsoever held the provisions of the Convention on the Privileges and Immunities of the United Nations especially with regard to the following:

(a) Immunity from legal process except where the Commission may have expressly waived immunity in a certain case; it being understood that this waiver shall not include execution of legal actions.

(b) Immunity from inspection, confiscation, seizure or expropriation in any form of executive, administrative or legislative enforcement action;

(c) Holding of funds and currencies of any kind and opening accounts in any currency it desires;

(d) Transfer of its funds and currencies with complete freedom inside Lebanon and from Lebanon to any other country and vice versa;

(e) Exemption from all taxes and levies; it being understood, however, that the Commission shall not request exemption from taxes, which are, in fact, no more than charges for public utility services.

(f) Exemption from customs charges as well as limitations and restrictions on the import or export of materials imported or exported by the Commission for its official business, subject to the Lebanese laws and regulations relating to security and public health, it being understood that tax-free imports cannot be sold in Lebanese territory except under conditions agreed to by the Government.

(g) Exemption from all limitations and restrictions on the import or export of publications, still and moving pictures, films and sound recordings imported, exported or published by the Commission within the framework of its official activities.

Article 6

DIPLOMATIC FACILITIES, PRIVILEGES AND IMMUNITIES

1. Representatives of the States members of the Commission participating in the conferences and meetings convened by it shall enjoy during their residence in Lebanon for the purpose of exercising their functions the diplomatic facilities, privileges and immunities granted to diplomats of comparable rank of foreign diplomatic missions accredited to the Government.

2. Without prejudice to the provisions of article 7, paragraphs 1 and 3, the Executive Secretary and the Deputy Executive Secretary shall enjoy during their residence in Lebanon the facilities, privileges and immunities granted to heads of diplomatic missions accredited to the Government.

3. Without prejudice to the provisions of article 7, paragraphs 1 and 3, officials of the Commission at the P-4 level and above shall enjoy during their residence in Lebanon the facilities, privileges and immunities granted by the Government to diplomats of comparable rank of the diplomatic missions accredited to the Government. Such facilities, privileges and immunities shall also be enjoyed by other categories of officials of the Commission as determined by the Executive Secretary in consultation with the Secretary-General of the United Nations and in agreement with the Government.

4. The facilities, privileges and immunities granted to the representatives of the States members of the Commission and to the officials mentioned in paragraphs 2 and 3 above shall extend to their spouses and dependent members of their families.

5. The immunities accorded by paragraphs 1, 2 and 3 of this article are granted in the interests of the Commission and not for the personal benefit of the individuals themselves. The immunities may be waived by the Government of the State concerned in respect of its representatives and their families, by the Secretary-General of the United Nations in respect of the Executive Secretary and his deputy and members of their families, and by the Executive Secretary in respect of all officials of the Commission and their families.

6. The Commission shall communicate to the Government in due time the names of persons referred to in this article.

Article 7

PRIVILEGES AND IMMUNITIES OF OFFICIALS AND EXPERTS

1. The officials of the Commission shall enjoy in Lebanese territory the following privileges and immunities:

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

(b) Exemption from any direct tax on the salaries and all other remunerations paid to them by the Commission;

(c) With due regard to the provisions of paragraph 2 of this article, exemption from any military service obligations or any other obligatory service in Lebanon;

(d) Exemption, for themselves and for their spouses and dependent members of the families, from immigration restrictions or alien registration procedures;

(e) In regard to foreign exchange, enjoyment of the same facilities as are accorded to members of diplomatic missions accredited to the Government;

(f) Enjoyment, for themselves and for their spouses and dependent members of their families, of the same repatriation facilities granted to members of diplomatic missions accredited to the Government in time of international crisis;

(g) If they have been previously residing abroad, the right to import their furniture, personal effects and all household appliances intended for personal use free of duty when they come to reside in Lebanon. This privilege shall be valid for a period of six months from the date of arrival in Lebanon;

(h) The personal right of each of them to import, in accordance with the relevant regulations of the provisional import system, a car free of duty during his or her assignment.

2. Lebanese officials of the Commission shall not be exempt from the military service obligations or any other obligatory service in Lebanon. However, those who, by virtue of their functions, are put on a nominal list drawn up by the Executive Secretary and approved by the competent Lebanese authorities, shall, in event of mobilization, be given special assignments in accordance with Lebanese legislation. Also, such authorities shall grant, upon the request of the Commission and in the event of other Lebanese officials of the Commission being called up for national service, the waivers which might be necessary to avoid the interruption of a basic service.

3. These privileges and immunities are granted in the interests of the Commission and not for the personal benefit of the officials themselves. The Executive Secretary shall waive the immunity granted to any official whenever, in his opinion, such immunity would impede the course of justice and can be waived without prejudice to the interests of the Commission.

4. Experts other than the officials referred to in paragraph 1 above shall enjoy the facilities, privileges and immunities mentioned hereunder while exercising their functions or duties assigned to them by the Commission or in the course of their travel to take up these functions or perform these duties inasmuch as such facilities, privileges and immunities are necessary for the performance of their duties:

(a) Immunity from personal detention and from seizure of personal effects except in cases of *flagrante delicto* and, in such cases, the competent Lebanese authorities shall immediately inform the Executive Secretary of the detention or the seizure of effects;

(b) Immunity from legal process in respect of the acts performed by them in their official capacity (including words spoken and written). Such immunity shall continue notwithstanding the fact that the persons concerned may have ceased to exercise their functions with the Commission or their missions for the Commission may have terminated;

(c) Exemption from any direct tax on the salaries and other emoluments paid to them by the Commission;

(d) The same facilities granted in respect of foreign exchange to officials of foreign Governments on a temporary official mission.

5. These facilities, privileges and immunities are granted to experts in the interests of the Commission and not for their own personal benefit. The Executive Secretary shall waive the immunity granted to an expert whenever, in his opinion, such immunity would impede the course of justice and can be waived without prejudice to the interests of the Commission.

6. The Commission shall in due time communicate to the Government the names of persons to whom this article refers.

7. The Commission shall co-operate at all times with the appropriate Lebanese authorities to facilitate the proper administration of justice, secure the observance of police regulations and avoid the occurrence of any abuse in connexion with the facilities, privileges and immunities mentioned in this Agreement.

Article 8

LAISSEZ-PASSER

The Government shall accept the United Nations laissez-passers issued to officials of the Commission and shall recognize them as travel documents.

Article 9

SETTLEMENT OF DISPUTES

1. The Commission shall develop the ways and means necessary for ensuring a proper settlement of:

(a) Disputes resulting from contracts, or all disputes relating to individual rights to which the Commission is a party;

(b) Disputes to which an official of the Commission is a party, provided that he enjoys immunity by reason of his official post and such immunity has not been waived by the Executive Secretary.

2. Any dispute between the Government and the Commission concerning the interpretation or implementation of this Agreement which is not settled by direct negotiations or other mutually accepted methods shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Minister for Foreign Affairs and Lebanese Overseas, one to be named by the Executive Secretary and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice. The decision of the tribunal shall be final.

Article 10

FINAL PROVISIONS

1. Without prejudice to the Commission's performance of its functions in a normal and unrestricted manner, the Government may take every precautionary measure to preserve national security, after consultations with the Executive Secretary.

2. The provisions of this Agreement shall be considered supplementary to the provisions of the Convention on the Privileges and Immunities of the United Nations. When a provision of this Agreement and a provision of the Convention deal with the same subject, both provisions shall be considered complementary whenever possible; both of them shall be applied and neither shall restrict the force of the other.

3. Consultations with respect to amendments to this Agreement shall be entered into at the request of either party and any such amendments shall be made by mutual consent.

4. This agreement shall enter into force as from the day following the date of the deposit with the Secretary-General of the United Nations of the instrument of ratification by the Government.

5. This Agreement shall remain in force for six months after the transfer of the Commission's temporary Headquarters in Lebanon.

DONE at Beirut, on 12/12/1978 in duplicate in the Arabic and English languages, both texts being equally authentic.

(d) Agreement between the United Nations and the Philippines regarding the arrangements for the 1980 session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.¹¹ Signed at New York on 11 January 1980

Article X

LIABILITY

1. The Government shall be responsible for dealing with any actions, claims or other demands against the United Nations or members of its Secretariat and 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 for the session of the personnel provided by the Government to perform functions in connexion with the session.

2. The Government shall indemnify and hold the United Nations and members of its Secretariat 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.

Article XI

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946 to which the Government is a party, shall be applicable in respect of the session of the Special Committee. In particular, the representatives of States referred to in article II 1 (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 performing functions

in connexion with the session shall enjoy the privileges and immunities provided under articles V and VII of the Convention and experts on mission for the United Nations in connexion with the session shall enjoy the privileges and immunities provided under articles VI and VII of the Convention.

2. Representatives of the specialized or related agencies attending the session pursuant to article II 1 (b) of this Agreement shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Specialized Agencies or the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, as appropriate.

3. Other representatives referred to in article II 1 (b) of this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connexion with their participation in the session.

4. The personnel provided by the Government under article VIII of this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connexion with the session.

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

6. All persons referred to in article II 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 meeting area. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than one week before the date of the opening of the session of the Special Committee when the applications are made at least one and a half weeks before the opening of the session. If the application for the visa is not made at least one and a half weeks before the opening of the session, the visa shall be granted not later than three days from the receipt of the application. Arrangements shall also be made to ensure that visas for the duration of the session are delivered at the airport of arrival to participants who were unable to obtain them prior to their arrival. Exit 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 session.

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

8. All persons referred to in article II 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 session at the United Nations official rate of exchange prevailing when the funds were brought in.

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

(e) Exchange of letters constituting an agreement between the United Nations and Hungary regarding the arrangements for the Training Workshop on Population Projections.¹² New York, 23 November 1979 and 22 January 1980

New York, 23 November 1979

Sir,

As you know, the United Nations Fund for Population Activities (UNFPA) has undertaken the financing of a country project in Hungary, entitled "Training Workshop on Population Projections" (HUN/79/PO2).

The purpose of the present letter is to obtain your Government's concurrence with the following arrangements for the Workshop:

(a) The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946, shall be applicable to the Workshop. Accordingly, officials of the United Nations performing official functions in connexion with the Workshop shall enjoy the privileges and immunities provided by Articles V and VII of the Convention. The participants and experts invited by the United Nations to the Workshop shall enjoy the privileges and immunities provided for experts on mission for the United Nations by Article VI of the Convention.

(b) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, the Government undertakes to accord all persons performing official functions in connexion with the Workshop such privileges, immunities, facilities and courtesies as are necessary for the independent exercise of their functions.

(c) The United Nations officials performing official functions in connexion with the workshop, the participants and experts invited to the Workshop by the United Nations and all persons performing official functions for the Workshop who are not residents of Hungary shall have the right of entry into and exit from Hungary. 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, when applications are made at least two and a half weeks before the opening of the Workshop, not later than two weeks before the date of the opening of the Workshop. If the application for the visa is not made at least two and a half weeks before the opening of the Workshop the visa shall be granted not later than three days from the receipt of the application. Exit permits, where required, shall be granted free of charge, as speedily as possible and in any case not later than three days before the closing of the Workshop.

(d) The Government shall deal with any action claims or other demand against the United Nations or its personnel arising out of:

- (i) injury to person or damage to property in the premises provided for the Workshop
- (ii) injury to person or damage to property incurred in using transportation provided for the Workshop
- (iii) the employment of local personnel for the Workshop

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

Upon receipt of a letter expressing your Government's concurrence with the above, the present letter and your Government's reply shall constitute an agreement between the United Nations and the Government of the Hungarian People's Republic concerning the arrangements for the Training Workshop.

(Signed) BI-JILONG
Under-Secretary-General
Department of Technical Co-operation
for Development

His Excellency
Mr. Imre HOLLAI
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Hungarian People's
Republic to the United Nations
10 East 75th Street
New York, NY 10021

II

Permanent Mission of the Hungarian People's Republic
to the United Nations
22 January 1980

Dear Mr. Bi-Jilong,

I have the honour to inform you that the Hungarian Government agrees to the arrangements for the "Training Workshop on Population Projections" as proposed in your letter of 23 November 1979, No. TE 322/1, to be held in Hungary, and ready to organize the workshop under the conditions contained therein.

Your letter, referred to above and the present letter is considered by the Hungarian party as an agreement between the Government of the Hungarian People's Republic and the United Nations concerning the arrangements for the training workshop.

(Signed) András HALÁZ
Counsellor
Deputy Permanent Representative

Mr. BI-JILONG
Under-Secretary-General
Department of Technical Co-operation for Development
United Nations Secretariat

- (f) Agreement between the United Nations and Malaysia concerning the arrangements for the CCOP/ASCOPE Seminar on the methodology of assessment of undiscovered recoverable hydrocarbon resources, to be held at Kuala Lumpur from 3 March 1980 to 8 March 1980.¹³ Signed at Bangkok and Kuala Lumpur on 6 February 1980

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 the 28th day of October 1957 applicable with respect to the Conference. 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 invited to the Conference shall enjoy the privileges and immunities provided in Article IV of the said Convention. Officials of the United Nations and experts on mission for the United Nations, performing functions for the United Nations at the Conference, shall enjoy the privileges and immunities set forth in Articles V and VI respectively, and VII of the said Convention.

2. Representatives of the Specialized Agencies of the United Nations, of the International Atomic Energy Agency and 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 United Nations.

3. Representatives of interested non-governmental organizations invited to the Conference and the personnel provided by the Government pursuant to Article VII, paragraph 2 above, shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connexion with the Conference.

4. 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.

5. All participants referred to in Article 11 and all persons performing functions in connexion with the Conference who are not residents of Malaysia shall have the right of entry into and exit

from Malaysia for the purposes of the Conference. 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. 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 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 III above;

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

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

Article XI
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.

(g) Agreement between the United Nations and Iraq relating to the Headquarters of the United Nations Economic Commission for Western Asia of 13 June 1979

Exchange of letters constituting an agreement between the United Nations and Iraq amending the above-mentioned agreement of 13 June 1979 between the United Nations and Iraq relating to the Headquarters of the United Nations Economic Commission for Western Asia.¹⁴ Beirut, 19 April 1980 and Baghdad, 21 April 1980

I

Economic Commission for Western Asia
Beirut, 19 April 1980

I have the honour to refer to the Agreement between the United Nations and the Government of the Republic of Iraq relating to the Headquarters of the United Nations Economic Commission for Western Asia and, in particular, Article 8, paragraph 5, thereof regarding the recruitment of local general service staff. In this respect, I wish to propose that the United Nations and the Government of the Republic of Iraq should agree upon the following procedure.

In recruiting local general service staff, the United Nations will notify the Government of vacancies, through the Ministry of Foreign Affairs, in addition to placing vacancy announcements in the local press or otherwise publicly advertising those vacancies. All candidates, whether their names are submitted by the Government or they apply on their own initiative, will be given equal consideration by the United Nations. The United Nations will advise the Government of its intention to appoint local staff applying individually in each particular case, thereby affording the Government an opportunity to submit, within a period of one month of the notice of intention to appoint, any

information it may deem appropriate concerning the particular candidate and which the United Nations might wish to take into consideration before making an offer of long-term appointment. The final authority on appointment shall, of course, rest with the Secretary-General of the United Nations in accordance with the Charter.

I would be grateful if you could confirm that your Government is in agreement with the foregoing, in which event this note and your reply shall constitute an agreement between the United Nations and the Government containing the arrangements foreseen in paragraph 5 of Article 8 of the Headquarters Agreement.

(Signed) Mohammad Said AL-ATTAR
Executive Secretary

H.E. Dr. Saadun HAMMADI
Minister for Foreign Affairs
Baghdad, Republic of Iraq

II

Ministry of Foreign Affairs, Baghdad
21 April 1980

I have the honour to acknowledge the receipt of your note dated 19 April 1980, which reads as follows:

[See letter I]

I would like to confirm that my Government is in agreement with the foregoing.

(Signed) Dr. Saadun HAMMADI
Minister for Foreign Affairs

H.E. Mohammad Said AL-ATTAR
Executive Secretary
Economic Commission for Western Asia
Beirut

- (h) Agreement between the United Nations and Venezuela concerning the arrangements for the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held at Caracas from 25 August to 5 September 1980.¹⁵ Signed at New York on 7 May 1980

Article VIII

LIABILITY FOR PERSONAL INJURY AND FOR DAMAGE TO OR LOSS OF PROPERTY

The Government shall be responsible for dealing with any action, claim or other demand arising out of:

- (a) injury to person or damage to or loss of property (whether United Nations property or other) in the premises referred to in article III above, including damage to those premises;
- (b) injury to person, or damage to or loss of property caused by, or incurred in using the transportation referred to in article IV (2) above;
- (c) the employment of the locally recruited personnel referred to in article VI above;

and the Government shall indemnify and hold harmless the United Nations and its personnel in respect of any such action, claim and other demand, except where it is agreed by the parties hereto that such damage, loss or injury is caused by the wilful misconduct or gross negligence of United Nations personnel.

Article IX

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Congress. Accordingly, the Congress, representatives of States and of the United Nations Council for Namibia invited to the Congress, officials of the United Nations performing functions in connexion with the Congress and experts on mission for the United Nations at the Congress shall enjoy the privileges and immunities provided in the said Convention, respectively, for the United Nations representatives of Members, officials of the United Nations and experts on mission for the United Nations.

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

3. Observers invited by the United Nations and referred to in article I (c) shall, in respect of words spoken and written and acts done by them in connexion with the Congress be immune from legal process of every kind. They shall be accorded such facilities as are necessary for the independent exercise of their functions in connexion with the Congress.

4. The personnel provided by the Government under article VI of the present Agreement, with the exception of those assigned to hourly rates, shall enjoy immunity from legal process in respect of words spoken or written and all acts performed by them in connexion with the Congress.

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

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

- (a) the persons referred to in article I of the present Agreement and their families;
- (b) representatives of the press or of other information media referred to in article II 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 Congress and their families;
- (d) other persons officially invited to the Congress by the Secretary-General of the United Nations.

They shall have the right of entry into and exit from Venezuela, and no impediment shall be imposed on their transit to and from the Congress area. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the Congress. If the application for the visa is not made at least two-and-a-half weeks before the opening of the Congress, the visa shall be granted not later than three days from the receipt of the application. Arrangements shall also be made to ensure that visas for the duration of the Congress are delivered at the airport of arrival to those who were unable to obtain them prior to their arrival. Exit permits, where required, shall be granted free of charge, as speedily as possible, and in any case not later than three days before the closing of the Congress.

7. Distinguished guests officially invited to the Congress by the Government shall be given access to the conference area by the United Nations.

8. 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.

Article X

IMPORT DUTIES AND TAX

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

- (i) Exchange of letters constituting an agreement between the United Nations and China concerning the Study Tour on Small Scale Coal Mines, to be held in China from 29 June to 14 July 1980.¹⁶ New York, 14 March and 5 June 1980

I

United Nations, New York
14 March 1980

I have the honour to refer to the preparations for the Study Tour on Small Scale Coal Mines to be held in China from 29 June to 14 July 1980 and organized by the United Nations Department of Technical Co-operation for Development in co-operation with the Government of the People's Republic of China.

With the present letter I wish to request your Government's confirmation of the following arrangements:

1. The Study Tour will begin in Beijing on 29 June 1980 and proceed according to the programme as indicated in the attached annex A.
2. The United Nations will send to China a group of twenty participants from an equivalent number of developing countries and two staff members from the United Nations for the period of the Study Tour. The attendance for these participants will be financed through the United Nations Regular Programme of Technical Assistance.
3. The United Nations will invite nominations from the developing countries as listed in annex B which have been identified as having coal production and/or potential coal resources.
4. The United Nations will pay the cost of tickets to and from Beijing, and daily subsistence allowance to all country participants and United Nations staff.
5. The United Nations will publish a report upon finalization of the Study Tour which will contain the main aspects of small scale coal mining and utilization in China.
6. The Chinese authorities will provide as the host country any meeting facilities, office space, office equipment and supplies and transportation between hotels and meeting places or study tour sites, if required, and staff who may accompany the group of participants on their visits.
7. The Chinese authorities will provide and finance interpretation in English for the duration of the Study Tour, including the sessions and field visits.
8. The United Nations after consultations with the Chinese Government will invite other United Nations organizations at their own expense.
9. For this Study Tour, the Government of the People's Republic of China will provide to the United Nations officials and to the participants the privileges, immunities and facilities normally provided in seminar agreements between Host Governments and the United Nations. The Government will also deal with any claims arising in connexion with the meeting against the United Nations as provided in such agreements and will hold the United Nations harmless except where it is agreed that the claim arises from gross negligence or wilful misconduct by the United Nations or its officials.
10. On receipt of acceptance by the Government of the above points, the present letter and the reply from your Excellency will be taken to constitute an agreement between the United Nations

and the Government of the People's Republic of China concerning the arrangements for the Study Tour on Small Scale Coal Mines in China.

(Signed) Margaret J. ANSTEE
Assistant Secretary-General
Officer-in-Charge

Department of Technical Co-operation for Development

His Excellency
CHEN Chu
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the People's Republic
of China to the United Nations

II

Permanent Mission of the People's Republic of China
to the United Nations, New York
5 June 1980

I have the honour to acknowledge the receipt of your letter of 14 March 1980 concerning the Study Tour on Small Scale Coal Mines to be held in China from 29 June to 14 July 1980 organized by your Department and the departments concerned of the Chinese Government.

I am pleased to inform you that the arrangements referred to in your letter are in principle acceptable to the Chinese side. I would, however, draw your attention to Point 6 of the arrangements. With regard to the provision that "the Chinese Authorities will provide . . . transportation between hotels and meeting places or study tour sites", my understanding is that the travel expenditures between cities or provinces in China will not be borne by the Chinese side.

Except for the above, I am glad to confirm our agreement with the arrangements as contained in your letter. Hence, both your letter and my present letter will constitute an agreement between the United Nations and the Chinese Government on the said Study Tour.

(Signed) LAI Yali
Ambassador Extraordinary and Plenipotentiary
Deputy Permanent Representative of the
People's Republic of China
to the United Nations

Mrs. Margaret J. ANSTEE
Assistant Secretary-General
Department of Technical Co-operation for Development
United Nations, New York

- (j) Agreement between the United Nations and Denmark regarding the arrangements for the World Conference of the United Nations Decade for Women: Equality, Development and Peace.¹⁷ Signed at New York on 2 July 1980

Article X

LIABILITY

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

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

(b) injury to persons or damage to or loss of property caused by, or incurred in using, the transport services referred to in Article VI above;

(c) the employment for the Conference of the personnel provided by the Government under Article VIII above.

2. The Government shall indemnify and hold harmless the United Nations and its officials in respect of any such action, claim or other demand, except where it is agreed by the parties hereto that such damage, loss or injury is caused by the gross negligence or wilful misconduct of United Nations personnel.

Article XI

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, to which the Government of Denmark is a party, shall be applicable in respect of the Conference. In particular, the representatives of States and of the United Nations Council for Namibia referred to in Article II, para. 1 (a) and (b), shall enjoy the privileges and immunities provided under Article IV of the Convention, the officials of the United Nations performing functions in connexion with the Conference shall enjoy the privileges and immunities provided under Articles V and VII of the Convention and experts on mission for the United Nations in connexion with the Conference including those lecturers and panelists at the Encounter for Journalists who are not officials of the United Nations shall enjoy the privileges and immunities provided under Articles VI and VII of the Convention.

2. The representatives referred to in Article II, para. 1 (c), (d), (f) and (g) shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connexion with their participation in the Conference.

3. The representatives of the specialized agencies, the International Atomic Energy Agency and other interested organizations referred to in Article II, paragraph 1 (e), shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Specialized Agencies or the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, as appropriate.

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

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

6. All persons referred to in Article II or in the present Article shall have the right of entry into and exit from Denmark, and no impediment shall be imposed on their transit to and from the Conference area. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the Conference. 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 shall 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 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 Article II or in the present Article shall have the right to take out of Denmark at the time of their departure, without any restrictions, any unspent portions of the

funds they brought into Denmark 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.

Exchange of letters constituting an agreement¹⁸ supplementing the above-mentioned Agreement. New York, 2 July 1980

I

United Nations, New York
2 July 1980

I have the honour to refer to the Agreement between the United Nations and the Government of Denmark regarding the arrangements for the World Conference of the United Nations Decade for Women: Equality, Development and Peace, signed 2 July 1980.

In particular, I wish to propose that the deposit and advances referred to in Article IX, paragraph 2 and 3 of the Agreement shall exclude the value of air travel tickets provided by the Government. In this connexion it is understood that the Secretariat shall inform the Government of the names of those United Nations officials assigned to the Conference with respect to whom the Government shall provide tickets for air travel from the indicated points of departure to Copenhagen and return as indicated. The air travel tickets shall provide for travel standards as required by the staff rules and regulations of the Secretariat. Upon receipt of the necessary information the Government shall pay the full cost of the air travel tickets to the agent designated by the Secretariat.

I would appreciate receiving confirmation that the foregoing is acceptable to Your Excellency's Government and that upon receipt of the Government's acceptance in writing, this exchange of letters shall constitute a supplementary agreement to the Agreement regarding the arrangements for the World Conference of the United Nations Decade for Women: Equality, Development and Peace.

(Signed) Lucille M. MAIR
Secretary-General of the World Conference
of the United Nations Decade for Women

H.E. Mr. Wilh. ULRICHSEN
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the United Nations
Permanent Mission of Denmark to the United Nations
235 East 42nd Street, 32nd Floor
New York, NY 10017

II

Permanent Mission of Denmark, New York
2 July 1980

I have the honour to acknowledge receipt of your letter of today which reads as follows:

[See letter I]

I have the honour to inform you that my Government is in agreement with the foregoing and that this exchange of letters shall constitute a supplementary agreement to the Agreement between

the United Nations and the Government of Denmark regarding the arrangements of the World Conference of the United Nations Decade for Women: Equality, Development and Peace.

(Signed) Wilh. ULRICHSEN
Ambassador
Permanent Representative of Denmark
to the United Nations

Dr. Lucille MAIR
Secretary-General of the World Conference of
the United Nations Decade for Women, 1980
New York

- (k) Agreement between the United Nations and Mexico regarding arrangements for the Sixth Session of the Commission on Transnational Corporations, to be held in Mexico City from 23 June to 4 July 1980.¹⁹ Signed at Mexico City on 20 June 1980

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 for 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, adopted by the General Assembly on 13 February 1946, shall be applicable with respect to the session in accordance with the accession to the Convention by the Government on 26 November 1962.

2. The representatives of States, referred to in Article II, 1 (a), and the representatives of the United Nations Council for Namibia, referred to in Article II, 1 (b), shall enjoy the privileges and immunities provided under Article IV of the Convention.

3. The expert advisers referred to in Article II, 1 (e), shall enjoy the privileges and immunities provided under Article VI of the Convention.

4. Officials of the United Nations performing duties in connexion with the Session shall enjoy the privileges and immunities provided under Articles V and VII of the Convention. Representatives of the specialized agencies and of the International Atomic Energy Agency referred to in Article II, 1 (e), as well as observers from intergovernmental organizations, referred to in Article II, 1 (f), shall enjoy the same privileges and immunities as are accorded to officials of the United Nations of a similar rank.

5. The representatives of organizations, referred to in Article II, 1 (c), and the observers from non-governmental organizations, referred to in Article II, 1 (f), shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connexion with their participation in the Session.

6. The personnel provided by the Government pursuant to Article VII, paragraph 2, shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connexion with their official functions for the Session.

7. Without prejudice to the preceding paragraphs of this Article, all persons performing functions in connexion with the Session including all those invited to participate in the Session, shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Session.

8. All persons referred to in Article II or in the present Article shall have the right of entry into and exit from Mexico, and no impediment shall be imposed on their transit to and from the Conference area. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the Session. If the application for the visa is not made at least two-and-a-half weeks before the opening of the Session, the visa shall be granted not later than three days from the receipt of the application.

9. For the purpose of the application of the Convention on the Privileges and Immunities of the United Nations, the premises of the Session 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. The premises shall be inviolable for the duration of the Session including the time required for the preparatory stage and the winding-up.

10. The participants in the Session, representatives of information media and United Nations officials servicing the Session shall have the right to take out of Mexico at the time of their departure, without any restrictions, any unspent portions of the funds they brought into Mexico in connexion with the Session at the United Nations rate of exchange prevailing when the funds were brought in.

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.

(d) Agreement between the United Nations and Greece on the Food and Agriculture Organization of the United Nations Regional Training Seminar on Remote Sensing Applications for Land Resources, to be held at Athens from 7 to 17 October 1980.²⁰
Signed at New York on 22 August 1980

Article V

FACILITIES, PRIVILEGES AND IMMUNITIES

1. The Convention on 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 Seminar shall enjoy the privileges and immunities provided under Articles V and VII of the said Convention.

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

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

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

5. All participants and all persons performing functions in connexion with the Seminar shall have the right of unimpeded entry into and exit from Greece. Visas and entry permits, where required, shall be granted free of charge. When applications are made four weeks before the opening of the Seminar, visas shall be granted not later than two weeks before the opening of the Seminar. If the application is made less than four weeks before the opening, visas shall be granted as speedily as possible and not later than three days before the opening.

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 paragraphs 3 (a) and (b) of Article IV above; (b) injury or damage to persons or property occurring during use of the transportation referred to in paragraphs 3 (j) and (k) of Article IV; (c) recruitment for the Seminar of the personnel referred to in paragraphs 2, 3 (d), (h) and 4 of Article IV and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims and other demands.

3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND:
REVISED MODEL AGREEMENT CONCERNING THE ACTIVITIES OF
UNICEF²¹

Article VI

CLAIMS AGAINST UNICEF

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

Article VII

PRIVILEGES AND IMMUNITIES

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

Agreements between UNICEF and the Government of Dominica²² and Seychelles²³ concerning the activities of UNICEF. Signed respectively at Kingston on 7 May 1980 and Victoria on 16 July 1980

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

4. AGREEMENTS RELATING TO THE UNITED NATIONS DEVELOPMENT
PRORAMME: STANDARD BASIC AGREEMENT CONCERNING ASSISTANCE
BY THE UNITED NATIONS DEVELOPMENT PROGRAMME²⁴

Article III

EXECUTION OF PROJECTS

...

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

...

Article IX

PRIVILEGES AND IMMUNITIES

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

Article X

FACILITIES FOR EXECUTION OF UNDP ASSISTANCE

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

Article XIII

GENERAL PROVISIONS

...

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

Agreement between the United Nations Development Programme and the Government of Dominica concerning financial assistance to technical cooperation projects.²⁵
Signed at Dominica on 5 November 1980

This agreement contains provisions similar to articles III, IX, X and XIII of the standard basic agreement.

B. Treaty provisions concerning the legal status of intergovernmental organizations related to the United Nations

1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES.²⁶ APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

In 1980, no additional State acceded to the Convention or undertook by notification to apply the provisions of the Convention in respect of specific specialized agencies.

As of 31 December 1980, 88 States were parties to the Convention.

2. 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 *Juridical Yearbook*, 1972, p. 32) were concluded in 1980 with the Governments of the following countries acting as hosts to such sessions: Austria, Bangladesh, Brazil, Cuba, Cyprus, Dominican Republic, Ecuador, Fiji, France,²⁷ Germany, Federal Republic of,²⁷ Greece, Hungary, Italy,²⁷ Jamaica, Jordan, Kenya, Malawi, Morocco, Nepal, Netherlands,²⁷ Philippines, Qatar, Senegal, Spain,²⁷ Suriname, Syria, United Republic of Tanzania, Thailand, Togo, Turkey, United Arab Emirates, United Kingdom,²⁷ United States of America,²⁷ Uruguay, Yugoslavia.

(b) 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 *Juridical Yearbook*, 1972, p. 33) were concluded in 1980 with the Governments of the following countries acting as

hosts to such training activities: Austria, Bangladesh, Botswana, Chile, Colombia, Cyprus, Czechoslovakia, Fiji, Honduras, India,²⁸ Kenya, Malawi, Malaysia, Mexico,²⁸ Morocco, Mozambique, Nigeria, Peru, Senegal, United Republic of Tanzania, Thailand, Togo, Tunisia, Turkey, Venezuela.

- (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 *Juridical Yearbook*, 1972, p. 33) was extended by Sweden on 28 January 1980 to training courses and seminars to be held in 1980.

- (d) Agreements for the establishment of an FAO Representative's Office and Exchanges of Letters extending the accreditation of an FAO Representative to another country
 - (i) in 1980, agreements for the establishment of an FAO Representative's Office, providing *inter alia* for privileges and immunities, were concluded with the following countries: Ethiopia, Somalia, Costa Rica, Togo.
 - (ii) Exchanges of letters extending the accreditation of an FAO Representative to another country were concluded with the following countries: Dominica, Grenada, Suriname, St. Lucia, Sao Tome et Principe, Nicaragua, Cyprus.

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Agreements relating to conferences, seminars and other meetings

- (a) Agreement between the Government of Kenya 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 30 July 1980

III. PRIVILEGES AND IMMUNITIES

The Government of Kenya shall apply, in all matters relating to this meeting, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies, and Annex IV thereto relating to UNESCO, to which Kenya has been a party since 1 July 1965. In particular, it shall ensure that no restriction is imposed upon the right of entry into, sojourn in and departure from the territory of Kenya of any person entitled to attend the 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, Australia, Barbados, Belgium, Benin, Bolivia, Costa Rica, Colombia, Cuba, the Federal Republic of Germany, India, Italy, Jamaica, Malaysia, the Philippines, Papua New Guinea, Portugal, Sierra Leone, Spain, the United Republic of Tanzania, Thailand, Togo and Upper Volta.

4. WORLD METEOROLOGICAL ORGANIZATION

Agreement between WMO and the Government of the Republic of Burundi related to the Regional Office for Africa of the World Meteorological Organization. Signed at Geneva on 1 October 1980

PRIVILEGES AND IMMUNITIES

Article 2.2

Unless otherwise defined in the present Agreement and, in accordance with the provisions of the Convention on the Privileges and Immunities of the United Nations, which apply to the present Agreement, the World Meteorological Organization shall enjoy in the Republic of Burundi such legal capacity as may be necessary for the exercise of the functions of its Regional Office. Moreover, the WMO shall enjoy such privileges and immunities as are necessary for the fulfilment of the functions of its Regional Office. Similarly representatives of Members and officials of the Organization shall enjoy such privileges and immunities as are necessary for independent exercise of their functions in connexion with the Organization in accordance with the provisions contained in Sections 14, 20 and 23 of the Convention on the Privileges and Immunities of the United Nations.

5. INTERNATIONAL ATOMIC ENERGY AGENCY

Agreement on the Privileges and Immunities of the International Atomic Energy Agency,²⁹ approved by the Board of Governors of the Agency on 1 July 1959

(a) Deposit of Instruments of Acceptance

No instrument of acceptance was deposited during 1980.

The number of States parties to this Agreement remains at 49.

(b) Incorporation of provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, or other provisions affecting the privileges and immunities of the International Atomic Energy Agency, by reference in other agreements:

(1) Article 10 of the Agreement of 14 January 1980 between the Republic of Senegal and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entry into force 14 January 1980.

(2) Section 22 of the Agreement of 5 May 1980 between the Republic of Cuba and the International Atomic Energy Agency for the application of safeguards in connection with the supply of a nuclear power plant from the Union of Soviet Socialist Republics; entry into force 5 May 1980.

(3) Article 10 of the Agreement of 8 July 1980 between the Socialist People's Libyan Arab Jamahiriya and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entry into force 8 July 1980.

(4) Article 10 of the Agreement of 14 July 1980 between the Republic of Indonesia and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entry into force 14 July 1980.

(5) Section 24 of the Agreement of 25 September 1980 between the Government of the Republic of Cuba and the International Atomic Energy Agency for the application of safeguards in connection with the supply of a nuclear research reactor from the Union of Soviet Socialist Republics; entry into force 25 September 1980.

(6) Article 10 of the Agreement of 18 November 1977 between the United States of America and the International Atomic Energy Agency for the application of safeguards in the United States of America; entry into force 9 December 1980.

Notes

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

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

³ In a communication accompanying the instrument of accession, the Government of the Federal Republic of Germany declared that the said Convention shall also apply to Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany.

⁴ Case M 90, No. 1 Board of Review.

⁵ JSPB/G.4/Rev.10 and Amend.1.

⁶ 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 — Sales No. 60.V.2), p. 3.

⁷ *Ibid.*, p. 4.

⁸ Came into force on the date of signature.

⁹ Came into force on 14 August 1980, with retroactive effect as of 24 August 1979.

¹⁰ Came into force on 13 August 1980.

¹¹ Came into force on the date of signature.

¹² Came into force on 22 January 1980.

¹³ Came into force on the date of signature.

¹⁴ Came into force on 21 April 1980.

¹⁵ Came into force on the date of signature.

¹⁶ Came into force on 5 June 1980.

¹⁷ Came into force on the date of signature.

¹⁸ Came into force on 2 July 1980.

¹⁹ Came into force on the date of signature.

²⁰ Came into force on the date of signature.

²¹ UNICEF, Field Manual, vol. II, part IV-2, appendix A (1 October 1964).

²² Came into force on the date of signature.

²³ Came into force on the date of signature.

²⁴ 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.

²⁵ Came into force on the date of signature.

²⁶ United Nations, *Treaty Series*, vol. 33, p. 261.

²⁷ 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.

²⁸ Certain departures from, or amendments to, the standard text were introduced at the request of the host Government.

²⁹ United Nations, *Treaty Series*, vol. 376, p. 147.