

**Inter-office memorandum to the Chief of the Administrative and Management Division,
concerning import privileges in a Member State**

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS, 1946, GRANTING OFFICIALS THE RIGHT TO IMPORT FURNITURE AND PERSONAL EFFECTS DUTY FREE WHEN FIRST TAKING UP A POST—NO ESTABLISHED LIMITATIONS WITH RESPECT TO NUMBER OF SHIPMENTS—NO ESTABLISHED TIME-LIMITS WITHIN WHICH THE SHIPMENT HAS TO BE ACCOMPLISHED—IMPLEMENTATION OF SHIPMENT PROVISIONS IS A MATTER FOR MEMBER STATES TO DECIDE, THOUGH A GENERAL “REASONABLENESS” STANDARD SHOULD BE USED IN MAKING THAT DETERMINATION

1. I wish to refer to your memorandum of 18 April 1983 requesting the advice of this Office as to whether it is acceptable under the Convention on the Privileges and Immunities of the United Nations* to limit to a single shipment the furniture and effects of officials upon first arrival in a duty station.

2. The relevant provision of the Convention is section 18(g) which provides officials “... the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question”. This provision does not specify whether the entitlement is limited to a single or multiple shipments. It may also be noted that there is no definition of the term “furniture and effects” nor is any time-limit established within which the shipment must be accomplished.

3. In practice the implementation of this provision is a matter for individual Member States. There may be considerable variations between one country and another, within the general framework of section 18(g), and the United Nations has not attempted to establish specific criteria of general applicability. The general test which is used is one of “reasonableness”. From a strictly legal point of view, the restriction to a single shipment is not in violation of the Convention which only speaks of “the time of first taking up their post”. If it can be shown, however, that for administrative or practical reasons it is not possible to reduce everything for a single shipment an argument could perhaps be made on the ground of “reasonableness”.

27 April 1983

* United Nations, *Treaty Series*, vol. 1, p. 15 and vol. 90, p. 327 (corrigendum to vol. 1).