

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

1970

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 State acceded to the Convention on the Privileges and Immunities of the United Nations in 1970:<sup>2</sup>

<i>State</i>	<i>Date of receipt of instrument of accession</i>
United States of America <sup>3</sup> . . . . .	29 April 1970

This brought up to 102 the number of States parties to the Convention.

<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> With the following reservations:

“(1) Paragraph (b) of section 18 regarding immunity from taxation and paragraph (c) of section 18 regarding immunity from national service obligations shall not apply with respect to United States nationals and aliens admitted for permanent residence

“(2) Nothing in article IV, regarding the privileges and immunities of representatives of Members, in article V, regarding the privileges and immunities of United Nations officials, or in article VI, regarding the privileges and immunities of experts on missions for the United Nations, shall be construed to grant any person who has abused his privileges of residence by activities in the United States outside his official capacity exemption from the laws and regulations of the United States regarding the continued residence of aliens, provided that: (a) No proceedings shall be instituted under such laws or regulations to require any such person to leave the United States except with the prior approval of the Secretary of State of the United States. Such approval shall be given only after consultation with the appropriate Member in the case of a representative of a Member (or a member of his family) or with the Secretary-General in the case of any person referred to in articles V and VI; (b) A representative of the Member concerned or the Secretary-General, as the case may be, shall have the right to appear in any such proceedings on behalf of the person against whom they are instituted; (c) Persons who are entitled to diplomatic privileges and immunities under the Convention shall not be required to leave the United States otherwise than in accordance with the customary procedure applicable to members of diplomatic missions accredited or notified to the United States.”

## 2. AGREEMENTS RELATING TO MEETINGS AND INSTALLATIONS

- (a) Agreement between the United Nations and Yugoslavia relating to the seminar on the role of youth in the promotion and protection of human rights to take place at Belgrade from 2 to 12 June 1970. <sup>4</sup> Signed at New York on 16 March 1970

### 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 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 (e) of article II of this Agreement shall be accorded the privileges and immunities provided under articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies.

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

4. All persons enumerated in article II of this Agreement and all persons performing functions in connexion with the seminar who are not nationals of Yugoslavia shall have the right of entry into and exit from Yugoslavia. 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 seminar, not later than two weeks before the date of 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. 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 seminar.

### 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 person or property in the premises referred to in article IV. 3 (a) and (b) above; (b) injury or damage to person or property caused or incurred in using transportation referred to in article IV. 3 (i) and (j); (c) the employment for the conference of the personnel referred to in article IV. 2 and 3 (d), (e), (j) and (g), and 4, 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>4</sup> Came into force on the date of signature.

- (b) Agreement between the United Nations and Zambia for a seminar on the realization of economic and social rights, with a particular reference to developing countries. <sup>5</sup> Signed at New York on 19 and 30 March 1970

This agreement contains articles similar to articles V and VI above.

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- (c) Agreement between the United Nations and the Union of Soviet Socialist Republics relating to the seminar on the participation of women in the economic life of their countries which will take place in Moscow, Union of Soviet Socialist Republics, from 8 to 21 September 1970. <sup>6</sup> Signed at New York on 23 April and 4 May 1970

This agreement contains articles similar to articles V and VI above.

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- (d) Agreement between the United Nations and Colombia relating to arrangements for the seminar on improvement of slums and uncontrolled settlements to be held in Medellín from 15 February to 1 March 1970

This agreement contains articles similar to articles V and VI above except that the last part of article V, paragraph 4, from the words "as speedily as possible" have been omitted.

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- (e) Exchange of letters constituting an agreement between the United Nations and Romania on the establishment of a United Nations Information Center in Bucharest <sup>7</sup>

## I

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

...

The United Nations Information Center in Bucharest enjoys the privileges and immunities stipulated in the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946. The Director of the Center is granted the same facilities which are accorded to foreign diplomats in Romania.

...

## II

*Letter from the Assistant Secretary-General, Office of Public Information*

This is . . . to confirm your understanding that . . . the agreement to establish a United Nations Information Center has been concluded.

...

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

<sup>6</sup> Came into force on the date of signature.

<sup>7</sup> Entered into force provisionally on 30 April 1970, subject to approval by the Government of Romania. The agreement was approved by the Council of Ministers of the Socialist Republic of Romania by Decision No. 736 dated 8 June 1970.

(f) Agreement between the United Nations and the Government of Japan concerning the arrangement for the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

This agreement contains provisions similar to articles VII, VIII and IX of the agreement between the United Nations and the Government of Sweden concerning the arrangements for the Third United Nations Congress on the Prevention of Crime and the Treatment of Offenders (See *Juridical Yearbook*, 1965, pp. 29 and 30) except that

- (i) the second sentence of article VIII, paragraph 2 has been omitted;
- (ii) the words "Representatives of Governments" at the beginning of article VIII, paragraph 3, have been replaced by "Representatives of Governments of States Members of the Organization";
- (iii) the words "upon presentation of the registration slip with the United Nations Secretariat" have been inserted after "any visa required for such persons" in article VIII, paragraph 4;
- (iv) article IX reads as follows:

*"Article IX*

*"Import Duties and Tax*

"The Government, pursuant to paragraph 7 (b), (c) of Article II of the Convention on the Privileges and Immunities of the United Nations, shall exempt import duties and taxes with respect to all supplies needed by the United Nations for the Congress (including the official requirements and entertainment schedule related to the Congress), and shall issue without delay necessary import and export permits."

(g) Agreement between the United Nations and Austria regarding the arrangements for the Conference of Plenipotentiaries for the adoption of the Protocol on psychotropic substances.<sup>8</sup> Signed at Vienna on 22 September 1970

*VII. Privileges and Immunities*

1. The provisions relating to privileges and immunities in the Agreement between the United Nations and the Republic of Austria regarding the Headquarters of the United Nations Industrial Development Organization shall be applicable with regard to the Conference. The Convention on the Privileges and Immunities of the United Nations is hereby not affected.

2. Representatives of Member States attending the Conference and officials of the United Nations concerned with the Conference shall enjoy the same privileges and immunities as are accorded to representatives to meetings of the UNIDO and to officials of the UNIDO under the Agreement outlined in paragraph 1.

3. Representatives of States not members of the United Nations attending the Conference shall enjoy the same privileges and immunities as provided for in paragraph 2 above for representatives of Member States.

4. Observers for the specialized agencies and 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.

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



5. Any visa required for such persons shall be granted promptly. It shall be granted without charge by an Austrian diplomatic or consular representative.

6. The area designated under section I shall be deemed to constitute United Nations premises, and access to these premises shall be under the control and authority of the United Nations.

This agreement is accompanied by the following letter:

Permanent Mission of Austria  
to the Office of the United Nations  
and the Specialized Agencies in Geneva  
Geneva, 2 October 1970

Sir,

With reference to the Agreement between the United Nations and the Federal Government of Austria regarding the Arrangements for the Conference of Plenipotentiaries for the Adoption of the Protocol on psychotropic substances, which was signed by you and the Austrian Federal Minister for Foreign Affairs on 22 September 1970 in Vienna, I have the honour to inform you that the Austrian interpretation of article VII, para. 5, of the above-mentioned agreement is as follows:

“... all persons referred to in this article and all persons performing functions in connection with the conference who are not nationals of Austria shall have the right of entry into and exit from Austria. 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 one half weeks before the opening of the conference, 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 one half weeks before the opening of the conference, the visa shall be granted not later than three days from the receipt of the application.”

From the Austrian point of view, the addition of the sentence “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,” does not seem to be necessary, because according to Austrian law, exit permits are not required.

Accept, Sir, the assurances of my highest consideration.

Eugen F. BURESCH  
*Ambassador*

H.E. M. Vittorio WINSPEARE GUICCIARDI  
*Under Secretary-General*  
*Director-General of the United Nations Office*  
*at Geneva*

### 3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND: REVISED MODEL AGREEMENT CONCERNING THE ACTIV- ITIES OF UNICEF<sup>9</sup>

#### Article VI

#### *Claims against UNICEF*

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

<sup>9</sup> Revised January 1968.

*Article VII*  
*Privileges and immunities*  
[See *Juridical Yearbook*, 1965, p. 32]

Agreements between UNICEF and the Governments of the Maldives, Kenya and Afghanistan concerning the activities of UNICEF.<sup>10</sup> Signed, respectively, at Malé on 24 March 1970 and at New Delhi on 6 April 1970, at Nairobi on 24 June 1970 and at Kabul on 22 October 1970

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

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4. AGREEMENTS RELATING TO THE TECHNICAL ASSISTANCE SECTOR OF THE UNITED NATIONS DEVELOPMENT PROGRAMME: REVISED STANDARD AGREEMENT CONCERNING TECHNICAL ASSISTANCE<sup>11</sup>

Article I  
*Furnishing of technical assistance*

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

Article V  
*Facilities, privileges and immunities*  
[See *Juridical Yearbook*, 1963, pp. 27 and 28]

(a) Agreement on technical assistance between the United Nations (including UNIDO and UNCTAD), ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO, and Zambia.<sup>12</sup> Signed at Lusaka on 29 May 1970

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

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(b) Revised standard agreement on technical assistance (with exchange of letters) between the United Nations (including UNIDO and UNCTAD), ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO, and New Zealand.<sup>13</sup> Signed at New York on 17 July 1970

This agreement contains articles similar to articles I, paragraph 6, and V of the revised standard agreement except that in paragraph 1, subparagraph (a) of the provision correspond-

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<sup>10</sup> Came into force respectively on 6 April 1970, 24 June 1970 and 22 October 1970.

<sup>11</sup> United Nations Development Programme, *Field Manual*, Edition II (document DP/4), Section IX C (July 1969).

<sup>12</sup> Came into force on the date of signature.

<sup>13</sup> Came into force on the date of signature.

ing to article V the words "(including the United Nations Industrial Development Organization, the United Nations Conference on Trade and Development and the United Nations Development Programme)" have been inserted after the words "in respect of the United Nations". It is accompanied by the following exchange of letters:

I

New Zealand Mission  
to the United Nations  
New York

17 July 1970

Sir,

I have the honour to refer to the Agreement signed today between the Government of New Zealand and Organizations participating in the technical assistance sector of the United Nations Development Programme for the provision of technical assistance to the territories for whose international relations New Zealand is responsible. In this connection, I should like to convey to you the following observations of the Government of New Zealand concerning this Agreement:

- (a) In connection with article VI, paragraph 1 (b) of the Agreement, which requires the Government to apply to each specialized agency participating in the Agreement the Convention on the Privileges and Immunities of the Specialized Agencies, I should like to draw your attention to the declaration concerning article IV, section 11, of the Convention made by the Government of New Zealand in acceding thereto. In applying the afore-mentioned Convention with respect to assistance rendered pursuant to the present Agreement, the Government would propose to act with reference to that declaration.

...

If the foregoing observations are acceptable, I have the honour to suggest that the present letter, together with your reply in that sense, shall be regarded as placing on record the positions on this matter of the Government of New Zealand and of the above-mentioned Organizations.

Accept, Sir, the assurance of my highest consideration.

J. V. SCOTT  
*Permanent Representative*

Mr. Paul G. HOFFMAN  
Administrator  
United Nations Development Programme  
New York

II

United Nations Development Programme

17 July 1970

Sir,

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

I take note of the observations made by your Government as set out in the letter quoted above and agree that your letter, together with this reply, shall be regarded as placing on record the positions of the Government of New Zealand and of the above-mentioned organizations on this matter.

Accept, Sir, the assurances of my highest consideration.

Paul G. HOFFMAN  
*Administrator*

*United Nations Development Programme*

His Excellency Mr. John Vivian SCOTT  
*Ambassador Extraordinary and Plenipotentiary*  
*Permanent Representative of New Zealand*  
*to the United Nations*

- 
- (c) Standard agreement on technical assistance between the United Nations (including UNIDO and UNCTAD), ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO, and Fiji.<sup>14</sup> Signed at Suva on 13 October 1970

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

---

5. AGREEMENTS RELATING TO THE SPECIAL FUND SECTOR OF THE UNITED NATIONS DEVELOPMENT PROGRAMME: STANDARD AGREEMENT CONCERNING ASSISTANCE FROM THE UNITED NATIONS DEVELOPMENT PROGRAMME (SPECIAL FUND)<sup>15</sup>

Article VIII

*Facilities, privileges and immunities*  
[See *Juridical Yearbook*, 1963, p. 31]

Article X

*General provisions*

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

Agreements concerning assistance from the Special Fund between the United Nations Development Programme (Special Fund) and the Governments of Gambia and Fiji.<sup>16</sup> Signed, respectively, at Bathurst on 25 March 1970 and at Suva on 13 October 1970

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

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

<sup>15</sup> United Nations Development Programme, *Field Manual*, Edition II, document DP/4, Section IX C (July 1969).

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

6. AGREEMENTS RELATING TO OPERATIONAL ASSISTANCE: STANDARD AGREEMENT ON OPERATIONAL ASSISTANCE<sup>17</sup>

Article II

*Functions of the officers*

...

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

...

Article IV

*Obligations of the Government*

...

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

6. [See *Juridical Yearbook*, 1968, pp. 46 and 47]

...

Standard agreements on operational assistance between the United Nations (including UNIDO and UNCTAD), ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO and the Governments of Mongolia, Dahomey, Zambia, New Zealand, Barbados, Fiji and El Salvador.<sup>18</sup> Signed, respectively, at New York on 15 January 1970, at Cotonou on 14 March 1970, at Lusaka on 29 May 1970, at New York on 17 July 1970, at Barbados on 26 September 1970, at Suva on 13 October 1970 and at San Salvador on 22 October 1970

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

7. AGREEMENT BETWEEN THE UNITED NATIONS AND DAHOMEY FOR THE PROVISION OF OPERATIONAL AND EXECUTIVE PERSONNEL.<sup>19</sup> SIGNED AT COTONOU ON 15 APRIL 1969

Article II

*Functions of the Officers*

...

3. The parties hereto recognize that a special international status attaches to the officers made available to the Government under this Agreement, and that the assistance provided to the Government hereunder is in furtherance of the purposes of the United Nations. Accordingly, the officers shall not be required to perform any function incompatible with such special international status or with the purposes of the United Nations.

4. In implementation of the preceding paragraph, but without restricting its generality or the generality of the last sentence of article I, paragraph 1, any agreements entered into by the Government with the officers shall embody a specific provision to the effect that the officer shall not perform any functions incompatible with his special international status or with the purposes of the United Nations.

<sup>17</sup> United Nations Development Programme, *Field Manual*, Edition II, Document DP/4, Section IX C (July 1969).

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

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

Article IV  
*Obligations of the Government*

...

5. The Government recognizes that the officers shall:

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

(b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;

(c) be immune from national service obligations;

(d) be immune, together with their spouses and relatives dependent upon them, from immigration restrictions and alien registration;

(e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable rank forming part of diplomatic missions to the Government;

(f) be given, together with their spouses and relatives dependent upon them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(g) have 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.

6. The assistance rendered pursuant to the terms of this Agreement is in the exclusive interest and for the exclusive benefit of the people and Government of the Republic of Dahomey. In recognition thereof, the Government shall bear all risks and claims resulting from, occurring in the course of, or otherwise connected with, any operation covered by this Agreement. Without restricting the generality of the preceding sentence, the Government shall indemnify and hold harmless the United Nations and the officers against any and all liability suits, actions, demands, damages, costs or fees on account of death, injuries to person or property, or any other losses resulting from or connected with any act or omission performed in the course of operations covered by this Agreement.

...

---

8. AGREEMENT BETWEEN THE UNITED NATIONS, PERU AND SWEDEN FOR THE PROVISION OF THE TECHNICAL CADRE UNIT OF THE SWEDISH STAND-BY FORCE FOR UNITED NATIONS SERVICE TO ASSIST IN RECONSTRUCTION OF AREAS IN PERU DEVASTATED AS A RESULT OF EARTHQUAKE WHICH OCCURRED ON 31 MAY 1970.<sup>20</sup> SIGNED AT UNITED NATIONS HEADQUARTERS, NEW YORK, ON 29 JULY 1970

*Article 3.* Members of the Unit will be responsible for the performance of their functions solely to the Commander of the Unit who will submit reports on the operations of the Unit to the Secretary-General through his designated representative and as appropriate to the Government of Peru and the Government of Sweden.

*Article 4.* The Government of Peru will assure to the Unit, its Commander and its members the conditions necessary to facilitate the performance of the functions of the Unit. It is agreed that the Government of Peru will extend the provisions of articles I, II and III of the Convention on the Privileges and Immunities of the United Nations to

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

which it acceded on 24 July 1963 to the Unit and will extend the provisions of article VI and section 26 of the same Convention to the Commander and the members of the Unit.

*Article 5.* In recognition that it is acting on behalf of the United Nations, the Unit is authorized to fly the United Nations flag in accordance with the United Nations Flag Code and Regulations. The Unit may display the United Nations flag on its Headquarters in Peru and otherwise as may be agreed by the Secretary-General's designated representative. In addition to the United Nations flag, the Unit may also display the flags of Sweden and of Peru. The Commander and members of the Unit may wear their national uniform. Suitable United Nations identification for the Commander and members of the Unit may be authorized by the Secretary-General's designated representative. The Commander and members of the Unit will conduct themselves at all times in a manner consistent with the purposes and principles of the United Nations and with their status under this 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.<sup>21</sup> APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

In 1970, the following States acceded to the Convention or, if already parties, undertook by a subsequent notification to apply the provisions of the Convention, in respect of the specialized agencies indicated below:<sup>22</sup>

<i>State</i>		<i>Date of receipt of instrument of accession or notification</i>	<i>Specialized agencies</i>
Mongolia <sup>23</sup>	Accession	3 March 1970	WHO, ILO, UNESCO, UPU, ITU, WMO
Romania <sup>24</sup>	Accession	15 September 1970	WHO — third revised text of annex VII, ICAO, ILO, FAO — second revised text of annex II, <sup>25</sup> UNESCO, UPU, ITU, WMO, IMCO — revised text of annex XII <sup>26</sup>

As of 31 December 1970, 73 States were parties to the Convention.

<sup>21</sup> United Nations, *Treaty Series*, vol. 33, p. 261.

<sup>22</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>23</sup> With the following reservations:

"The Mongolian People's Republic does not consider itself bound by the provisions of sections 24 and 32 of the Convention, which provide for the compulsory jurisdiction of the International Court of Justice. As to the jurisdiction of the International Court of Justice in disputes arising out of the interpretation or application of the Convention the Mongolian People's Republic maintains that for the submission of a particular dispute to the International

(Continued on next page)

## 2. INTERNATIONAL LABOUR ORGANISATION

- (a) Agreement between the International Labour Organisation and Indonesia concerning the establishment of an office of the Organisation in Djakarta.<sup>27</sup> Signed in Djakarta on 21 May 1970

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

- (b) Agreement between the International Labour Organisation and the Philippines concerning the establishment of an office of the Organisation in Manila.<sup>28</sup> Signed at Manila on 23 January 1970

This agreement contains provisions similar to articles 2 and 3 of the agreement referred to under (a) above except that paragraph 1 of article 2 reads as follows:

“1. As the Philippines is already a party to the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947 as well as to the Annex of 10 July 1948 relating to the International Labour Organisation, the Office of the International Labour Organisation in Manila, its staff and any other person mentioned in the Convention or in the above mentioned Annex shall be granted the privileges and immunities therein provided for.”

- (c) Agreement between the International Labour Organisation and Argentina concerning the establishment of an office of the Organisation in Buenos Aires.<sup>29</sup> Signed at Buenos Aires on 6 April 1970

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Court of Justice for settlement, the consent of all parties to the dispute must be obtained in each individual case. This reservation is equally applicable to the provision of section 32 whereby the advisory opinion of the International Court of Justice shall be accepted as decisive.”

The Government of the United Kingdom of Great Britain and Northern Ireland has notified the Secretary-General that it is unable to accept these reservations because in its view they are not of the kind which intending parties to the Convention have the right to make.

<sup>24</sup> With the following reservations:

“The Socialist Republic of Romania states that it does not consider itself bound by the provisions of sections 24 and 32, whereby the question whether an abuse of a privilege or immunity has occurred, and differences arising out of the interpretation or application of the Convention and disputes between specialized agencies and Member States, shall be referred to the International Court of Justice. The position of the Socialist Republic of Romania is that such questions, differences or disputes may be referred to the International Court of Justice only with the agreement of the parties in each individual case.”

The Government of the United Kingdom of Great Britain and Northern Ireland has notified the Secretary-General that it is unable to accept these reservations because in its view they are not of the kind which intending parties to the Convention have the right to make.

<sup>25</sup> See *Juridical Yearbook*, 1965, p. 43.

<sup>26</sup> See *Juridical Yearbook*, 1968, p. 66.

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

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

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



## Article 1

1. The Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations of 21 November 1947 and its Annex of 10 July 1948 relating to the International Labour Organisation, so far as the Argentine Republic accepted them on 10 October 1963, are applicable both to the Office of the ILO in Buenos Aires, its staff and all persons mentioned in these two instruments and to all activities carried out by the Organisation through the said Office.

2. Without prejudice to the provisions of the preceding paragraph of this article, the Government of the Argentine Republic shall grant to the ILO Office in Buenos Aires and to the persons to whom the preceding paragraph applies treatment not less favourable than that granted to any other specialized agency of the United Nations with offices in the Argentine Republic.

## Article 2

The Government of the Argentine Republic shall grant to persons invited on official business to the Office of the ILO in Buenos Aires and not covered by the preceding article all the necessary facilities in respect of their entering, staying in and leaving the country.

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

Agreements relating to conferences, seminars and other meetings

- (i) Exchange of letters constituting an agreement between the French Government and UNESCO concerning the meeting of experts on problems of State formation and nation building (C  risy-la-Salle (Manche), 7-14 August 1970). Signed at Paris on 13 March 1970 and 25 May 1970

### I

*Letter from UNESCO*

...

We should like to know whether the French Government has any objection to this meeting being held at C  risy-la-Salle. I should be much obliged if you would kindly inform me whether, with regard to the privileges and immunities of participants, the Government would be prepared to give assurances similar to those given in connexion with other UNESCO meetings held on French territory away from the Organization's headquarters. . . .

### II

*Letter from the French Government*

...

In reply to the letter of 13 March concerning the meeting which the Director-General intends to hold at the cultural center of C  risy-la-Salle, I have the honour to inform you that the French authorities accept to grant persons participating in this meeting the benefit of the administrative provisions which would have been applied to them if the meeting had been held at the organization's headquarters in Paris. . . .

- (ii) Agreement between the Government of Mexico and the United Nations

Educational, Scientific and Cultural Organization concerning the regional seminar on statistics of culture and communication in Latin America (Guadalajara, 21 September-3 October 1970). Signed at Paris on 23 March 1970 and at Mexico City on 12 May 1970

### III

#### *Privileges and immunities*

In all matters relating to the seminar, the Government of Mexico shall apply, in respect of the participants of the United Nations Educational, Scientific and Cultural Organization and of its personnel, the provisions of the Convention on the Privileges and Immunities of the United Nations, as approved by the Mexican Senate and in accordance with the Presidential Decree of 13 February 1962, it being understood that the clauses of the Convention on which reservations have been expressed shall not apply to the seminar. It is also understood that no restriction shall be imposed upon the rights of entry into, sojourn in and departure from the territory of any persons participating in the seminar, without distinction as to nationality.

- (iii) Agreement between the Swiss Government and UNESCO concerning the round table on the influence of mass media on artistic and literary expression (Locarno, September-October 1970). Signed at Paris on 17 April 1970 and at Berne on 30 April 1970

Accordingly, I should be obliged if you would kindly confirm that, on the occasion of this round table, the Swiss Government will apply the agreement concluded by an exchange of letters between Switzerland and UNESCO which entered into force on 1 January 1969 and which stipulates that, pending the conclusion of an agreement between the Federal Council and UNESCO, the agreement between the Federal Council and the World Health Organization concerning the legal status of that organization in Switzerland, and the arrangement for the execution of the agreement, concluded on 31 August and 21 September 1948, shall provisionally apply, *mutatis mutandis*, to UNESCO, to its various agencies, to the representatives of member States and to the experts and officials of the Organization.<sup>30</sup>

- (iv) Agreements were also concluded between UNESCO and the Governments of Belgium, Brazil, Cameroon, Chile, the Democratic Republic of the Congo, Costa Rica, Czechoslovakia, Ethiopia, India, Iraq, Italy, Ivory Coast, Jamaica, Korea, Malaysia, Malta, Monaco, Morocco, Philippines, Senegal, Singapore, Sweden, Turkey, the Ukrainian SSR and Yugoslavia, concerning meetings on their territories; these agreements contain a provision similar to the following:

The Government will apply, in respect of 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 it has been a party since ———, it being understood, in particular, that no restriction shall be placed upon the right of entry into, sojourn in and departure from the territory of ——— of any person entitled to attend the meeting, without distinction of nationality.

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<sup>30</sup> In accordance with the terms of the letter from the Director-General of UNESCO, the Swiss Government signified its agreement to the proposal quoted above by signing the said letter and returning it to UNESCO.

#### 4. WORLD HEALTH ORGANIZATION

(a) Headquarters agreement between France and the World Health Organization on the privileges and immunities of the International Agency for Research on Cancer.<sup>31</sup> Signed at Paris on 14 March 1967<sup>32</sup>

The World Health Organization (hereinafter called "the Organization") of the one part, and

The Government of the French Republic, of the other part,

Considering resolution WHA18.44 of the Eighteenth World Health Assembly, in which an International Agency for Research on Cancer (hereinafter called "the Agency") was established and its Statute approved,

Considering resolution GC/1/R4 of the Governing Council establishing the headquarters of the Agency at Lyons (France),

Desiring to define by the present agreement the privileges and immunities to be granted to the Agency on French territory,

Have agreed as follows:

##### Article I

The Agency shall enjoy juridical personality and, in particular, shall have the capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

##### Article II

The Agency shall enjoy on French territory the independence and freedom of action to which it is entitled as an international body.

##### Article III

The headquarters of the Agency shall comprise the premises which it occupies, or may occupy in the future, for the requirements of its work, to the exclusion of the premises used for housing its staff.

##### Article IV

1. The headquarters of the Agency shall be inviolable. Agents or officials of the French Republic shall not enter to discharge their official duties except with the consent or at the request of the Director of the Agency or his representative.

2. The Agency shall not permit its headquarters to become a refuge from justice for persons who are pursued for a crime in *flagrante delicto* or against whom a warrant of arrest, a penal judgement or deportation order has been issued by the competent French authorities.

##### Article V

1. The Agency shall enjoy immunity from every form of legal process except in so far as in any particular case the Governing Council of the Agency has waived immunity.

2. The movable and immovable property of the Agency constituting its headquarters, wheresoever located, shall be immune from any measure of execution except where the Director of the Agency has expressly waived immunity.

<sup>31</sup> Came into force on 2 May 1970.

<sup>32</sup> English translation by the secretariat of WHO of the original authentic French text.

3. The property referred to in paragraph 2 above shall also be immune from search, requisition, confiscation and sequestration, as well as from any other form of administrative or judicial constraint.

#### Article VI

The archives of the Agency, and, in general, all documents belonging to or held by it, shall be inviolable.

#### Article VII

1. Without being restricted by financial controls, regulations or moratoria of any kind the Agency may freely:

(a) receive and hold funds and currencies of all kinds and operate accounts in any currency;

(b) transfer its funds and currencies within French territory and from France to another country or *vice versa*.

2. In exercising its rights under this article, the Agency shall take account of all representations made to it by the Government of the French Republic in so far as it considers that these can be complied with without prejudice to its own interests.

#### Article VIII

The Agency, its assets, income or other property shall be exempt from all direct taxes. This exemption shall not, however, apply to taxes collected as a charge for services rendered.

#### Article IX

The furniture, supplies and equipment strictly necessary for the administrative and scientific functioning of the Agency, together with publications, cinematographic films or photographic documents pertaining to its functions, shall be exempt, on import or export, from payment of customs duties and tariffs and of turnover tax.

Articles within the categories of goods specified in the preceding paragraph shall also be exempt, on import or export, from all measures of prohibition or restriction.

Goods imported in virtue of these facilities may not be assigned or loaned on French territory except under conditions previously agreed to by the competent French authorities.

#### Article X

The Agency shall pay, under general laws and regulations, indirect taxes which form part of the cost of goods sold or services rendered.

Nevertheless, turnover taxes levied for the benefit of the State budget which relate to certain substantial acquisitions made by the Agency for its official requirements, as well as to the issue of publications pertaining to its functions, may be reimbursed under conditions to be mutually agreed upon between the Agency and the competent French authorities.

#### Article XI

To the fullest extent compatible with the provisions of the international conventions, regulations and arrangements to which the Government of the French Republic is party, the Agency shall enjoy, in respect of its official communications of every kind, terms at least as favourable as those accorded to diplomatic missions in France in the matter of priorities.

## Article XII

1. The Government of the French Republic shall not in any way impede the movement across its frontiers to or from the Agency of any person having official duties there or invited by the Agency.

2. For this purpose the Government of the French Republic undertakes to authorize, without charge for visas and without delay, the entry into and sojourn in France, for the term of their duty or mission with the Agency, of the following persons, together with the dependent members of their families:

(a) members of the Governing Council and Scientific Council, their alternates and advisers;

(b) staff of the Agency;

(c) advisers and experts.

3. Without prejudice to any special immunities that they may enjoy, the persons mentioned in paragraph 2 may not, during the whole period in which they are performing their duties or missions, be compelled by the French authorities to leave French territory, save where they have abused the residence privileges accorded to them by carrying on activities unconnected with their duties or missions with the Agency.

4. The persons specified in this article are not exempt from the application of any quarantine or public health regulations in force.

## Article XIII

1. The representatives of the States participating in the sessions of the Governing Council shall enjoy, during their stay in France, for the exercise of their functions with the Agency, and during their journey to and from the place of meeting, the privileges and immunities accorded to diplomatic agents.

2. The Director-General of the Organization shall enjoy, when sojourning in France for the purpose of exercising his responsibilities in respect of the functioning of the Agency, the privileges and immunities accorded to diplomatic agents.

## Article XIV

The members of the Scientific Council, experts and advisers shall be accorded, during the exercise of their functions and when travelling to and from the Agency, the following privileges and immunities:

(a) immunity from personal arrest or detention and from seizure of personal baggage except if caught in the act of committing an offence. In such cases the competent French authorities shall immediately inform the Director-General of the Organization or his representative of the arrest or seizure;

(b) immunity from legal process, even after the completion of the mission, in respect of acts done, including words spoken and written, by them in the performance of their functions and within the limits of their responsibilities.

## Article XV

The Director of the Agency shall be accorded during the period of his functions the privileges and immunities accorded to diplomatic agents.

## Article XVI

Officials of the Agency, together with officials placed at its disposal by the Organization, shall enjoy:

(a) immunity from legal process, even after the cessation of their functions, in respect of all acts done by them in the exercise of their functions and within the limits of their responsibilities. This immunity shall not apply in the case of infringement of the regulations concerning motor vehicle traffic by officials of the Agency, or of damage caused by a motor vehicle belonging to or driven by them;

(b) exemption from all taxation on salaries and emoluments paid to them for their work with the Agency;

(c) provided they formerly resided abroad, the right to import free of duty their furniture and personal effects at the time of their first installation in France;

(d) a special residence document issued by the competent French authorities for themselves, their spouses and dependent children;

(e) arrangements for temporary importation, free of duty, of their motor vehicle;

(f) exemption from all national service obligations and from any other compulsory service in France.

#### Article XVII

The Government of the French Republic is not bound to accord to its own nationals, nor to permanent residents in France, the privileges and immunities referred to in Articles: XIII;

XIV, sub-paragraph (a);

XV;

XVI, sub-paragraphs (c), (d), (e) and (f).

Furthermore, the Government of the French Republic is not bound to accord to its own nationals, nor to permanent residents in France, the benefit of the provisions of Article XVI, sub-paragraph (b), unless Member States adopt a system whereby the salaries and emoluments are effectively taxed by the Organization itself.

In the exercise of their functions with the Agency, French nationals and permanent residents in France shall nonetheless be accorded, even after the cessation of their functions, immunity from legal process in respect of acts, including words spoken or written, done by them in the exercise of their functions and within the limits of their responsibilities.

#### Article XVIII

1. The privileges and immunities provided for in this agreement are not intended for the personal benefit of those concerned. They are designed solely to ensure in all circumstances the freedom of operation of the Agency and the complete independence of the persons to whom they are accorded.

2. The Director-General of the Organization, or in his absence the Director of the Agency or, in the case of members of the Governing Council or Scientific Council and of experts and advisers, the Government of the State concerned, shall have the right and the duty to waive this immunity when they consider that it would impede the normal course of justice and that it may be waived without prejudice to the interests of the Agency.

#### Article XIX

The provisions of this agreement shall in no way affect the right of the Government of the French Republic to adopt all measures it may consider appropriate in the interest of the security of France and the maintenance of public order.

## Article XX

1. The Agency shall be required to include in all written contracts, other than those concluded in accordance with the Staff Regulations and to which it is a party, an arbitration clause providing that any dispute that arises with regard to the interpretation or execution of the contract may, at the request of one or the other party, be submitted to independent arbitration. This arbitration clause shall specify the law applicable and the State in which the arbitrators shall sit. The arbitration procedure shall be that of the said State.

2. The execution of the award made following such arbitration shall be governed by the rules in force in the State on whose territory it is to be executed.

## Article XXI

Any dispute that may arise between the Government of the French Republic and the Organization concerning the interpretation or application of the present agreement or of any supplementary agreement, and which cannot be settled by negotiation, shall, unless the parties agree otherwise, be submitted, at the request of one or the other of them, to an arbitration tribunal composed of three members, one appointed by the Director-General of the Organization, another appointed by the French Government, and a third, who shall preside over the tribunal, chosen jointly by the other two. This last member may not be either a staff member or a former staff member of the Organization or the Agency, nor a French national.

The motion instituting proceedings shall indicate the name of the arbitrator appointed by the applicant party; the defendant party shall indicate to the other party the name of the arbitrator it has appointed, within two months of receipt of the application. Failing such notification by the defendant party within the above time limit, or should the two arbitrators fail to agree on the choice of a third arbitrator within two months of the last appointment of an arbitrator, the arbitrator or the third arbitrator, as the case may be, shall be appointed by the President of the International Court of Justice at the request of the first applicant.

The decisions of the tribunal shall be binding on the parties and shall not be subject to any appeal.

## Article XXII

The present agreement shall be approved by the Government of the French Republic of the one part, and by the Agency and the Organization of the other part. Each of the parties shall notify to the other its approval of the agreement, which shall come into force thirty days after the date of the last notification.

## Article XXIII

The present agreement may be revised at the request of either party. In this event, the two parties shall consult together concerning the modifications to be introduced into the provisions of the agreement; should these negotiations not lead to an agreement within one year, the present agreement may be denounced by either party at two years' notice.

In faith whereof the present agreement was done and signed at Paris on the fourteenth day of March 1967, in two copies in the French language.

For the World Health Organization:  
(Signed) M. G. CANDAU

For the Government of the French Republic:  
(Signed) Hervé ALPHAND

- (b) Basic agreement between the World Health Organization and Mauritius for the provision of technical advisory assistance.<sup>33</sup> Signed at Brazzaville on 7 April 1970 and at Port Louis on 12 October 1970

This agreement contains provisions similar to articles I, paragraph 6, and V of the Agreement between the World Health Organization and Guyana for the provision of technical advisory assistance, signed at Georgetown on 14 June and at Washington on 3 July 1968: see *Juridical Yearbook*, 1968, p. 56.

- (c) Exchange of letters between the World Health Organization and Lebanon relating to the arrangements made for the 1970 session of Sub-Committee A of the Regional Committee for Eastern Mediterranean. 23 February and 16 July 1970

I

*Letter from the Director of the Regional Office for the Eastern Mediterranean*

...

*Privileges and immunities of the participants*

According to the basic agreement signed by your Government on 14 October 1960, I think that all participants in the session, whether representatives of States Members or members of the secretariat of the World Health Organization, will be able to benefit from the privileges and immunities provided for therein.

...

II

*Letter from the Minister for Public Health of Lebanon*

...

(2) In accordance with the basic agreement signed on 14 October 1960, the participants, representatives of Member States and secretariat staff will enjoy all the rights, privileges and immunities conferred upon them by the laws and regulations of the Lebanese State and by those of the World Health Organization.

...

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## 5. INTERNATIONAL TELECOMMUNICATION UNION

Agreement between the Government of India and the International Telecommunication Union regarding the organization of the XII Plenary Assembly of the CCIR in New Delhi, India, from 21 January 1970 to 11 February 1970

### A. GENERAL PROVISIONS

...

#### 4. *Privileges and Immunities*

- (a) The Convention on the Privileges and Immunities of the Specialized Agencies, to which India is a party, shall be applicable with respect to the Assembly. The Assembly premises shall be deemed to constitute premises of the ITU and the access thereto shall be subject to the authority of the ITU.

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<sup>33</sup> Came into force on 12 October 1970.



- (b) Representatives of Member States and other bodies invited attending the Assembly and all officials of the ITU connected with the Assembly, shall be accorded privileges and immunities set forth in Articles V and VI of the Convention on the Privileges and Immunities of the Specialized Agencies.
- (c) The relevant articles of the Convention on the Privileges and Immunities of the Specialized Agencies, and of Decision No. 304 of the Administrative Council of the ITU shall be applicable to persons attending the Assembly on behalf of Members and Associate Members of the Union, and other bodies invited, to officials of the Union, as well as to members of their families accompanying them. The Government shall apply without reservation the provisions of the International Telecommunication Convention (Montreux, 1965) to such persons and shall permit them to enter India and sojourn there throughout the duration of their function or mission in connection with the Assembly.
- (d) Local personnel provided by the Government shall only enjoy immunity from legal process in respect of words spoken or written and any act performed by them *within* the Assembly premises in their official capacity in connection with the Assembly.

...

#### G. VARIOUS FACILITIES MADE AVAILABLE TO THE ASSEMBLY AND ITS PARTICIPANTS

...

##### 3. *Visa and customs formalities*

The Government shall take the necessary steps, within the limits set by the law and customs regulations of the country and in accordance with the relevant provisions of the Convention on the Privileges and Immunities of the Specialized Agencies, to facilitate as far as possible for participants in the Assembly (including the Secretariat) and for the members of their families accompanying them, delivery of visas and customs formalities in connection with their personal effects, on both entering and leaving India.

#### H. MISCELLANEOUS

##### 1. *Taxation*

The salaries and allowances paid to persons directly recruited outside India by the ITU are not subject to income tax in India, in conformity with the terms of the Convention on the Privileges and Immunities of the Specialized Agencies.

...

## 6. INTERNATIONAL ATOMIC ENERGY AGENCY

Agreement on the Privileges and Immunities of the International Atomic Energy Agency.<sup>34</sup> Approved by the Board of Governors of the Agency on 1 July 1959

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

The following States accepted the Agreement on the Privileges and Immunities of the International Atomic Energy Agency in 1970:<sup>35</sup>

<sup>34</sup> United Nations, *Treaty Series*, vol. 374, p. 147.

<sup>35</sup> The Agreement comes into force as between the Agency and the accepting States on the date of deposit of instruments of acceptance.

<i>State</i>	<i>Date of deposit of instrument of acceptance</i>
Poland <sup>36</sup> . . . . .	24 July 1970
Romania <sup>37</sup> . . . . .	7 October 1970
Greece . . . . .	2 November 1970

This brought up to 38 the number of States parties to the Agreement.

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

(i) Part V, section 25 of the Agreement between the International Atomic Energy Agency and the Governments of the Republic of Austria and the United States of America for the application of safeguards (INFCIRC/152); entered into force on 24 January 1970.

(ii) Article VII, section 13 of the Agreement between the International Atomic Energy Agency and the Governments of the Argentine Republic and the Federal Republic of Germany for the transfer of a training reactor and enriched uranium therefor (INFCIRC/143); entered into force on 13 March 1970.

(iii) Article X of the Master Agreement between the International Atomic Energy Agency and the Government of the Socialist Federal Republic of Yugoslavia for assistance by the Agency in furthering projects by the supply of materials (INFCIRC/151); entered into force on 29 May 1970.

(iv) Article X of the Master Agreement between the International Atomic Energy Agency and the Government of the Kingdom of Greece for assistance by the Agency in furthering projects by the supply of materials (INFCIRC/149); entered into force on 2 June 1970.

(v) Article X of the Master Agreement between the International Atomic Energy Agency and the Government of the People's Republic of Bulgaria for assistance by the Agency in furthering projects by the supply of materials (INFCIRC/148); entered into force on 15 July 1970.

(vi) Article X of the Master Agreement between the International Atomic Energy Agency and the Government of Brazil for assistance by the Agency in furthering projects by the supply of materials (INFCIRC/147); entered into force on 20 November 1970.

(vii) Part V, section 25 of the Agreement between the International Atomic Energy Agency, the Government of the Republic of Colombia and the Government of the United States of America for the application of safeguards (INFCIRC/144); entered into force on 9 December 1970.

<sup>36</sup> "... with the reservation in respect of sections 26 and 34 of the Agreement that disputes regarding the interpretation and application of the Agreement shall be referred to the International Court of Justice only with the consent of all parties involved in a given dispute. The Polish People's Republic also reserves the right not to accept as decisive the advisory opinion of the International Court of Justice; ..."

<sup>37</sup> With the following reservation:

"The Council of State declares, in accordance with section 38, second paragraph, of the Agreement, that the Socialist Republic of Romania does not consider itself bound by the provisions of section 34 and by the provisions of section 26 to the extent that the latter refer to section 34. The position of the Socialist Republic of Romania is that differences arising from the interpretation or application of the Agreement may be referred to the International Court of Justice only with the consent, in each individual case, of all parties involved in a dispute."