

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1971

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.¹ APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 FEBRUARY 1946

The following States acceded to the Convention on the Privileges and Immunities of the United Nations in 1971:²

<i>State</i>	<i>Date of receipt of instrument of accession</i> ³
Burundi	17 March 1971
Fiji	21 June 1971 ^d

This brought up to 104 the number of States parties to this Convention.

2. AGREEMENTS RELATING TO MEETINGS AND INSTALLATIONS

(a) The following agreements contain provisions similar to articles V and VI of the Agreement between the United Nations and Yugoslavia relating to the seminar on the role of youth in the promotion and protection of human rights, reproduced in the *Juridical Yearbook*, 1970, p. 28.

(i) Agreement between the United Nations and Cameroon relating to the seminar on measures to be taken on the national level for the implementation of United Nations instruments aimed at combating and eliminating racial discrimination and for the promotion of harmonious race relations: Symposium on the evils of racial discrimination.⁴ Signed at New York on 30 March and 1 April 1971

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 The symbol "d" immediately following the date appearing opposite the name of a State denotes a declaration by that State recognizing itself bound, as from the date of its independence, by the Convention, the application of which had been extended to its territory by a State then responsible for the conduct of its foreign relations. The date shown is the date of receipt by the Secretary-General of the notification to that effect.

⁴ Came into force on 1 April 1971.

- (ii) Agreement between the United Nations and Hungary for the holding of a technical meeting on methods of analysing fertility data for developing countries to be held at Budapest, Hungary, from 14 to 25 June 1971.⁵ Signed at New York on 3 and 4 May 1971
- (iii) Agreement between the United Nations and France for the holding of a meeting of a United Nations working group on population research in national institutions to be held at Lyon, France, from 3 to 11 June 1971, inclusive.⁶ Signed at New York on 14 May 1971
- (iv) Agreement between the United Nations and Gabon regarding the holding of the seminar on the participation of women in economic life, to be held at Libreville, Gabon, from 27 July to 9 August 1971.⁷ Signed at New York on 28 May and 3 June 1971
- (v) Agreement between the United Nations and France relating to the seminar on the dangers of a revival of all forms of intolerance and the search for ways to prevent and to control it, to be held in Nice, France, from 24 August to 6 September 1971.⁸ Signed at New York on 9 and 10 June 1971. This agreement is accompanied by the following exchange of letters:

I

Permanent Mission of France
to the United Nations
New York, 9 June 1971

Sir,

In reference to the Agreement which we signed today concerning the seminar on human rights to be held at Nice from 24 August to 6 September 1971, I have the honour to confirm the interpretation which the Government of the French Republic gives to three clauses therein, in order to define more precisely the scope of its obligations and the nature of the services which it agrees to provide to meet conference requirements.

...

(3) Article V.2 concerns visas for entry into and exit from French territory for all participants and persons performing functions in connexion with the seminar.

It is understood that the French Government will issue the necessary visas, save in the highly exceptional case of persons banned from French territory. The visas are to be obtained by addressing an application to the French representatives at the embassy or consulate in the country of residence of the person concerned.

I should be grateful if you would confirm the agreement of the United Nations to the above-mentioned three points.

Accept, Sir, the assurances of my highest consideration.

J. KOSCIUSKO-MORIZET
*Ambassador, Permanent Representative
of France to the United Nations*

⁵ Came into force on 4 May 1971.

⁶ Came into force on the date of signature.

⁷ Came into force on 3 June 1971.

⁸ Came into force on 10 June 1971.

United Nations
10 June 1971

Sir,

I have the honour to acknowledge receipt of your letter of today's date concerning the agreement concluded between the United Nations and the Government of the French Republic concerning the seminar on human rights to be held at Nice from 26 August to 6 September 1971.

I should like to confirm the agreement of the United Nations to the interpretation given by the Government of the French Republic to the three clauses contained in article IV.3 (h) and (j) and in article V.2.

...

(3) Lastly, with regard to *article V.2*, it is understood that the French Government will issue the necessary entry and exit visas, save in the highly exceptional case of persons banned from French territory. Such visas are to be obtained by addressing an application to the French representatives in the country of residence of the person concerned.

Accept, Sir, the assurances of my highest consideration.

C. A. STAVROPOULOS
*Under-Secretary-General,
Legal Counsel*

(b) Agreement between the United Nations and Cameroon establishing the Yaounde Demographic Institute.⁹ Signed at Yaounde on 9 November 1971

This agreement contains provisions similar to articles VI (3) and VII of the Agreement between the United Nations and the United Arab Republic relating to the continuation and extension of the Regional Centre for Demographic Research and Training established at Cairo, reproduced in the *Juridical Yearbook*, 1968, p. 40.

(c) Agreement between the United Nations and Kenya concerning arrangements for the second session of the United Nations Committee on Natural Resources.¹⁰ Signed at Geneva on 16 December 1971 and Nairobi on 23 December 1971

...

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 I above; (b) injury or damage to persons or property caused by, or incurred in using, the transportation referred to in Article II above; (c) the employment for the Conference of the personnel referred to in Article IV above, and the Government shall hold the United Nations and its personnel harmless in respect of any such actions, claims or other

⁹ Came into force on the date of signature.

¹⁰ Came into force on 23 December 1971.

demands, except where it is agreed by the United Nations and the Government that the injury or damage is attributable to gross negligence or wilful misconduct on the part of the United Nations or its officials.

VII. *Privileges and Immunities*

1. The Conventions on the Privileges and Immunities of the United Nations and of the specialized agencies, to which the Government of Kenya is a party, shall be applicable in respect of the Conference. Conference premises for the purpose of such application shall be deemed to constitute premises of the United Nations and access thereto shall be under the control and authority of the United Nations.

2. Representatives of Member States and representatives of States not members of the United Nations attending the Conference shall enjoy the privileges and immunities accorded to representatives of States Members of the organization by Article IV of the Convention on the Privileges and Immunities of the United Nations.

3. Officials of the United Nations performing functions in connexion with the Conference shall enjoy the privileges and immunities provided by articles V and VII of the Convention on the Privileges and Immunities of the United Nations. All participants and all persons performing functions in connexion with the Conference shall be accorded such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Conference.

4. Representatives of the specialized agencies and other intergovernmental organizations invited to the Conference shall enjoy the same privileges and immunities as accorded to officials of comparable rank of the United Nations.

5. The Government shall impose no impediment to transit to and from the Conference of any persons whose presence at the Conference is authorized by the United Nations and shall grant any visa required for such persons promptly and without charge. Such persons shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the Conference.

VIII. *Import Duties and Tax*

The Government shall allow the temporary importation duty-free of all equipment and shall waive import duties and taxes with respect to supplies necessary for the meeting. It shall issue without delay to the United Nations any necessary import and export permits.

...

3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND: REVISED MODEL AGREEMENT CONCERNING THE ACTIVITIES OF UNICEF ¹¹

Article VI

Claims against UNICEF

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

¹¹ Revised January 1968.

Article VII

Privileges and immunities

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

Agreement between UNICEF and the Governments of Yemen, Mauritius, the United Arab Republic, Oman, Bahrain and Qatar concerning the activities of UNICEF.¹² Signed respectively at Sana'a on 17 March 1971, at Kampala on 22 February 1971 and at Port Louis on 19 April 1971, at Cairo on 8 March 1971, at Muscat on 9 July 1971, at Beirut and at Manama on 26 August 1971, and at Beirut on 21 September 1971 and at Doha on 9 October 1971

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

4. AGREEMENTS RELATING TO OPERATIONAL ASSISTANCE: STANDARD AGREEMENT ON OPERATIONAL ASSISTANCE¹⁸

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]

...

(a) Agreement on operational assistance between the United Nations (including UNIDO and UNCTAD), ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU and IMCO, and the Government of Mali.¹⁴ Signed at Bamako on 16 March 1971

This agreement contains articles similar to articles II (3) and IV (5) and (6) of the model standard agreement. It was subsequently amended by an exchange of letters dated 9 July and 2 September 1971 under which the IBRD has been added to the list of international organizations parties to the agreement.

¹² Came into force respectively on 17 March 1971, 19 April 1971, 29 April 1971, 9 July 1971, 26 August 1971 and 9 October 1971.

¹³ UNDP, *Field Manual*, Edition II (document DP/4), section IX C (17 July 1969).

¹⁴ Came into force on the date of signature.

- (b) Agreements on operational assistance between the United Nations (including UNIDO and UNCTAD) ILO, FAO, UNESCO, ICAO, WHO, ITU, IAEA, UPU and IMCO, and the Governments of Panama and Ecuador.¹⁵ Signed respectively at Panama on 26 March 1971 and at Quito on 13 July 1971

These agreements contain articles similar to articles II (3) and IV (5) and (6) of the model standard agreement.

- (c) Agreements on operational assistance between the United Nations (including UNIDO and UNCTAD), ILO, FAO, UNESCO, ICAO, WMO, ITU, WMO, IAEA, UPU, IMCO and IBRD, and the Governments of Haiti and the Dominican Republic.¹⁶ Signed respectively at Port au Prince on 21 May 1971 and at Santo Domingo on 26 October 1971

These agreements contain articles similar to articles II (3) and IV (5) and (6) of the model standard agreement.

- (d) Agreement on operational assistance between the United Nations (including UNIDO and UNCTAD), the ILO, FAO, UNESCO, ICAO, WHO, ITU, WHO, IAEA, UPU, IMCO and IBRD and the United Kingdom for the provision of operational and executive personnel to the Governments of the territories (other than Southern Rhodesia) for the conduct of whose international relations the Government of the United Kingdom is responsible.¹⁷ Signed at New York on 15 October 1971

This agreement contains articles similar to articles II (3) and IV (5) and (6) of the model standard agreement except that in paragraphs 5 and 6 of article IV, the words "the Government" wherever they appear are replaced by "the Territorial Government".

- (e) Agreement on operational assistance between the United Nations, ILO, FAO, UNESCO, ICAO, WHO, ITU, WMO, IAEA, UPU, IMCO, UNIDO and IBRD, and Trinidad and Tobago.¹⁸ Signed at Trinidad and Tobago on 15 October 1971

This agreement contains articles similar to articles II (3) and IV (5) and (6) of the model standard agreement.

¹⁵ Came into force on the respective dates of signature.

¹⁶ Came into force on the respective dates of signature.

¹⁷ Came into force on the date of signature.

¹⁸ Came into force on the date of signature.

5. AGREEMENTS CONCERNING ASSISTANCE FROM THE WORLD FOOD PROGRAMME

- (a) Basic agreements between the United Nations and the Food and Agriculture Organization of the United Nations, on behalf of the World Food Programme (WFP), and the Governments of Dahomey, Somalia, Cyprus, the Dominican Republic, Yemen, Nepal, Tunisia, Panama, Algeria, the United Republic of Tanzania, Mauritania, Liberia, Guinea, Ghana, Zambia, Ivory Coast, Jordan and Ethiopia concerning assistance from the World Food Programme.¹⁹ Signed respectively at Cotonou on 19 May 1971, at Mogadiscio on 30 May 1967, at Nicosia on 24 June 1967, at Santo Domingo on 8 August 1967, at Sana'a on 12 July and 19 August 1967, at Kathmandu on 30 August 1967, at Tunis on 9 September 1967, at Panama on 15 September 1967, at Algiers on 19 September 1967, at Dar es Salaam on 6 October 1967, at Nouakchott on 17 October 1967, at Monrovia on 29 September and 20 October 1967, at Conakry on 12 December 1967, at Accra on 13 December 1967, at Lusaka on 16 November and 27 December 1967, at Abidjan on 13 January 1968, at Amman on 25 January 1968 and at Addis Abeba on 13 February 1968

These agreements contain the following provisions:

Article V

Facilities, privileges and immunities

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

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

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

¹⁹ Came into force respectively on 19 May 1967, 30 May 1967, 24 June 1967, 8 August 1967, 19 August 1967, 30 August 1967, 9 September 1967, 15 September 1967, 19 September 1967, 6 October 1967, 17 October 1967, 20 October 1967, 12 December 1967, 13 December 1967, 27 December 1967, 13 January 1968, 25 January 1968 and 13 February 1968.

- (b) Agreement between the United Nations and the Food and Agriculture Organization of the United Nations, on behalf of the World Food Programme (WFP), and China. ²⁰, ²¹ Signed at Taipei on 9 September 1967

This agreement contains an article similar to article V reproduced above under (a), except that paragraph 2 reads as follows:

“2. For purposes connected with this Agreement, the Government, pending its accession to the Convention on the Privileges and Immunities of the United Nations, agrees to provisionally extend to the World Food Programme, to its property, funds and assets, and to its officials including consultants, the same privileges and immunities as set forth in the Convention.”

- (c) Agreement between the United Nations and the Food and Agriculture Organization of the United Nations, on behalf of the World Food Programme (WFP), and Upper Volta. ²² Signed at Ouagadougou on 12 December 1967

This agreement contains an article similar to article V reproduced above under (a), except that paragraph 2 has been omitted.

²⁰ Came into force on the date of signature.

²¹ China is an original Member of the United Nations, the Charter having been signed and ratified on its behalf, on 26 June and 28 September 1945 respectively, by the Government of the Republic of China, which continued to represent China in the United Nations until 25 October 1971.

On 25 October 1971, the General Assembly of the United Nations adopted its resolution 2758 (XXVI), reading as follows:

The General Assembly,

Recalling the principles of the Charter of the United Nations,

Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.

The United Nations had been notified on 18 November 1949 of the formation, on 1 October 1949, of the Central People's Government of the People's Republic of China. Proposals to effect a change in the representation of China in the United Nations subsequent to that time were not approved until the resolution quoted above was adopted.

All entries recorded throughout this publication in respect of China refer to actions taken by the authorities representing China in the United Nations at the time of those actions.

²² Came into force on the date of signature.

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. ²³ APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

In 1971, the following State notified its succession to the Convention in respect of the specialized agencies indicated below: ²⁴

<i>State</i>		<i>Date of receipt of the notification</i>	<i>Specialized agencies</i>
Barbados	Notification of succession	19 November 1971	WHO, ICAO, ILO, FAO, UNESCO, FUND, UPU, ITU, WMO, IMCO

As of 31 December 1971, 74 States were parties to the Convention.

2. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

- (1) Memorandum of Agreement between the Government of Uganda and the United Nations Educational, Scientific and Cultural Organization concerning the Concluding Seminar of the Biology Teaching Pilot Project (Kampala, January 1972). Signed at Paris on 24 September 1971 and at Kampala on 15 October 1971

Privileges and immunities

7. The Government of Uganda shall apply, in respect of the Seminar, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies and Annex IV thereto relating to UNESCO. In particular, the Government shall ensure that no restriction is placed upon the right of entry into, sojourn in and departure from its territory of all persons entitled to attend the Seminar in an official capacity, without distinction of nationality.

8. The Government of Uganda shall ensure that documentation and technical material emanating from UNESCO and required for the Seminar is admitted free of duty, expeditiously cleared through customs and transported as priority consignment to its destination.

- (2) Agreements were also concluded between UNESCO and the Governments of Argentina, Ethiopia, Finland, Malaysia, Netherlands, Nigeria, Philippines, Sudan, Tanzania, Trinidad and Tobago, Turkey, United Arab Republic, Venezuela, Yugoslavia and Zambia, 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

²³ United Nations, *Treaty Series*, vol. 33, p. 261.

²⁴ The Convention is in force with regard to each State which deposited an instrument of accession 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.

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.

3. WORLD HEALTH ORGANIZATION

Basic agreements between the World Health Organization and the Governments of the Gambia and Oman for the provision of technical advisory assistance.²⁵ Signed respectively at Brazzaville on 7 June 1971 and Bathurst on 21 July 1971, and at Alexandria on 15 December 1971 and Muscat on 27 December 1971

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

4. INTERNATIONAL TELECOMMUNICATION UNION

- (a) Agreement between the Swiss Federal Council and the International Telecommunication Union concerning the legal status of the International Telecommunication Union in Switzerland.²⁶ Signed at Geneva on 22 July 1971

The Swiss Federal Council,
of the one part, and
the International Telecommunication Union,
of the other,

wishing to conclude an agreement to regulate the legal status of the International Telecommunication Union in Switzerland, have agreed on the following provisions:

Article 1

Freedom of action of the ITU

1. The Federal Council guarantees to the International Telecommunication Union (hereinafter called the Union) the independence and freedom of action belonging to it as an international institution.

2. In particular, it recognizes that the Union and its Members in their relations with the Union enjoy absolute freedom of meeting, including freedom of discussion and decision.

Article 2

Personality

The Federal Council recognizes the international personality and legal capacity of the Union.

²⁵ Came into force respectively on 21 July 1971 and on 27 December 1971.

²⁶ Came into force on the date of signature. By exchange of letters dated 15 and 21 July 1971 between the Political Department and the ITU, the status applied to the Union pursuant to the exchange of letters dated 6 and 25 February 1948 (Legislative Series of the United Nations, *Legislative Texts and Treaty Provisions concerning the Legal Status, Privileges and Immunities of International Organizations*, vol. II—ST/LEG/SER.B/11, pp. 319-320) was repealed as of 22 July 1971.

Article 3

Immunities and privileges

The Union shall enjoy the immunities and privileges granted in Switzerland, now or in the future, to the United Nations and its specialized agencies.

Article 4

Inviolability

1. The buildings or parts of buildings and the adjoining ground used for the purposes of the Union, by whomsoever they may be owned, shall be inviolable. No agent of the Swiss federal, cantonal or communal public authority may enter them without the express consent of the Union. Only the Secretary-General or his duly authorized representative shall be competent to waive this right of inviolability.

2. The archives of the Union and in general all documents belonging to it or in its possession which are intended for its official use shall be inviolable at all times, wherever they may be.

3. The Union shall be responsible for the control of its premises and for keeping order therein.

Article 5

Immunity from legal process and immunity from other measures

1. The Union shall enjoy immunity from penal, civil and administrative process except in so far as this immunity is formally waived by the Secretary-General or his duly authorized representative. The insertion in a contract of a clause recognizing the jurisdiction of an ordinary court shall constitute formal waiver of the immunity. However, in the absence of a clause expressly to the contrary, such waiver shall not extend to any measure of execution.

2. The buildings or parts of buildings, the adjoining grounds and the assets owned by the Union or used by it for its purposes, wherever they may be and by whomsoever they may be held, shall be immune from any search, requisition, seizure or measure of execution.

Article 6

Communications

1. The Union shall enjoy for its official communications treatment not less favourable than that accorded to the United Nations in Switzerland, to the extent compatible with the International Telecommunication Convention.

2. The provisions of the present article shall in no way affect the obligations accepted by Switzerland as a Member of the Union with regard to service telecommunications exchanged between the Union and its Members.

3. The Union shall have the right to use codes for its official communications and to despatch and receive its correspondence by duly identified courier or bags which shall have the same immunities and privileges as diplomatic couriers and bags.

4. No censorship shall be applied to the duly authenticated official correspondence and other official communications of the Union.

Article 7

Publications

The import and export of publications of the Union shall not be subject to any restrictive measures.

Article 8

Fiscal position

1. The Union, its assets, income and other property shall be exempt from direct federal, cantonal and communal taxation. With regard to immovable property, however, such exemption shall apply only to that which is owned by the Union and which is occupied by its services and to income derived therefrom.
2. The Union shall be exempt from indirect federal, cantonal and communal taxation.
3. The Union shall be exempt from all federal, cantonal and communal charges which do not represent charges for specific services rendered.
4. If necessary, the exemptions mentioned above may be applied by way of reimbursement at the request of the Union and in accordance with a procedure to be determined by the Union and the competent Swiss authorities.

Article 9

Customs position

The customs clearance of articles intended for the Union shall be governed by the customs regulations of the Federal Council which are applicable to international organizations (Customs Regulations) and which are an integral part of the present agreement.

Article 10

Free disposal of funds

1. The Union may receive, hold, convert and transfer funds, gold and any notes, specie and securities of any kind, and may dispose of them freely both within Switzerland and in its relations with other countries.
2. The present article also applies to Members of the Union in their relations with the Union.

Article 11

Status of permanent representatives of Members of the Union

The permanent representatives of Members of the Union shall enjoy the immunities and privileges granted to the members of equivalent rank of diplomatic missions accredited to the Federal Council.

Article 12

Status of representatives other than permanent representatives

1. The representatives of the Members of the Union, their deputies, technical experts, advisers and secretaries of delegations sent to Switzerland on official business with the principal and subsidiary organs of the Union or to conferences convened by it shall enjoy the following privileges and immunities in the discharge of their duties in Switzerland and during their journeys to or from the place of meeting:
 - (a) immunity from personal arrest or detention and, in respect of words spoken or written and acts performed by them in the discharge of their duties, immunity from jurisdiction;
 - (b) inviolability of the person, place or residence and all objects belonging to the person concerned;

- (c) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration and national service obligations;
- (d) customs facilities granted under the Customs Regulations;
- (e) the same immunities and facilities in respect of their personal luggage as are accorded to diplomatic agents;
- (f) the same facilities in respect of currency or exchange regulations as are accorded to representatives of foreign governments on official missions.

2. The representatives of Members shall have the right to use cyphers in their official communications and to receive or send documents or correspondence by courier or in diplomatic bags in accordance with Article 27 of the Vienna Convention on Diplomatic Relations dated 18 April 1961.

3. In order to secure for the representatives of Members of the Union on its principal and subsidiary organs and at conferences convened by the Union complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

Article 13

Object of the privileges and immunities accorded to representatives

Privileges and immunities are accorded to the representatives of Members of the Union not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Union. Consequently, a Member of the Union not only has the right but is under a duty to waive the immunity of its representative in any case where, in the opinion of that Member, the immunity would impede the course of justice and it can be waived without prejudice to the purpose for which the immunity is accorded.

Article 14

Status of the Secretary-General and of officials in certain categories

The Secretary-General of the Union and certain officials of the categories designated by him with the agreement of the Federal Council shall enjoy the privileges, immunities, exemptions and facilities granted to diplomatic agents in accordance with international law and custom.

Article 15

Immunities and facilities accorded to all officials

The officials of the Union, irrespective of nationality, shall enjoy the following immunities and facilities:

(a) exemption from jurisdiction in respect of words spoken or written and acts performed in the discharge of their duties, notwithstanding that the persons concerned are no longer officials;

(b) exemption from all federal, cantonal and communal taxes on salaries, emoluments and indemnities paid to them by the Union. Capital sums due in any circumstances by a pension fund or provident fund within the meaning of article 19 of the present agreement shall also be exempt at the time of payment from Swiss taxes; the same principle shall apply to all the indemnities for sickness, accidents, etc., paid to agents, officials or employees of the Union.

Article 16

Immunities and facilities accorded to officials not of Swiss nationality

Officials of the Union who are not of Swiss nationality shall:

- (a) be exempt from national service obligations in Switzerland;
- (b) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;
- (c) be accorded the same privileges in respect of exchange facilities as are accorded to officials of the Office of the United Nations at Geneva;
- (d) be given, together with the members of their families and their domestic staff, the same repatriation facilities in the event of international crisis as are accorded to officials of the Office of the United Nations at Geneva;
- (e) enjoy the customs facilities provided in the Customs Regulations.

Article 17

Experts on missions for the Union

Experts (other than officials coming within the scope of article 15) performing special missions for the Union shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular, they shall be accorded:

- (a) exemption from immigration restrictions, aliens' registration and national service obligations;
- (b) immunity from personal arrest or detention and from seizure of their personal baggage;
- (c) in respect of words spoken and written and acts performed by them in the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Union;
- (d) inviolability for all papers and documents;
- (e) for the purpose of their communications with the Union, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (f) the same facilities in respect of currency or exchange regulations as are accorded to representatives of foreign governments on temporary official missions;
- (g) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents.

Privileges and immunities are granted to experts in the interests of the Union and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Union.

Article 18

Other persons summoned by the Union

The Swiss authorities shall take the necessary measures to facilitate the entry into, sojourn in, and departure from Swiss territory of all persons, irrespective of their nationality, having official business with the Union.

Article 19

Pension funds and special funds

1. Any pension fund or provident fund conducted under the authority of the Union shall enjoy legal capacity in Switzerland if it so requests. If its headquarters are in Switzerland it shall observe the forms prescribed by Swiss law. In so far as it acts on behalf of Union officials, it shall be accorded the same exemptions, immunities and privileges as are accorded to the Union itself.

2. Funds and foundations with or without separate legal status, administered under the auspices of the Union and devoted to its official purposes, shall be given the benefit of the same exemptions, immunities and privileges as the Union itself with regard to all other properties except immovable property.

Article 20

Social insurance

The Union shall be exempt from all compulsory contributions to general social insurance funds such as equalization, unemployment insurance and workmen's compensation funds, etc., on the understanding that the Union will, so far as possible, and under conditions to be agreed upon, insure with Swiss social insurance funds those of its agents who are not assured of equivalent social protection by the Union.

Article 21

Object of the privileges and immunities accorded to officials

1. The privileges and immunities provided for in the present agreement in respect of officials of the Union are not designed for the personal benefit of those officials but solely to ensure the free functioning of the Union and the complete independence of its agents in all circumstances.

2. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where he considers that such immunity would impede the course of justice and can be waived without prejudice to the interests of the Union. The Administrative Council shall have the power to waive the immunities of the Secretary-General.

Article 22

Prevention of abuses

The Union and the Swiss authorities shall cooperate at all times to facilitate the proper administration of justice, secure the observance of police regulations and prevent any abuse in connection with the privileges, immunities and facilities provided for in this agreement.

Article 23

Identity cards

1. The Federal Political Department shall furnish each official of the Union with an identity card bearing the photograph of the holder. This card, authenticated by the Federal Political Department and the Union, shall serve to identify the official in relation to all federal, cantonal and communal authorities. An identical card shall be furnished also to the dependent members of the families of the officials covered by articles 14 and 16 who form part of their households and do not exercise any lucrative activity.

2. The Union shall transmit regularly to the Federal Political Department a list of the officials of the Union and the members of their families, showing in each case the date of birth, nationality, residence in Switzerland and the category or class of function of each official.

Article 24

Disputes of a private nature

The Union shall make provision for appropriate methods of settlement of:

(a) disputes arising out of contracts and disputes of a private law character to which the Union is a party;

(b) disputes involving an official of the Union who by reason of his official position enjoys immunity, if such immunity has not been waived under the provisions of articles 17 or 21.

Article 25

Non-responsibility of Switzerland

Switzerland shall not incur by reason of the activity of the Union on its territory any international responsibility for acts or omissions of the Union or of its agents acting or abstaining from acting within the limits of their functions.

Article 26

Security of Switzerland

1. Nothing in the present agreement shall affect the right of the Swiss Federal Council to take the precautions necessary for the security of Switzerland.

2. If the Swiss Federal Council considers it necessary to apply the first paragraph of this article, it shall approach the Union as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary to protect the interests of the Union.

3. The Union shall collaborate with the Swiss authorities to avoid any prejudice to the security of Switzerland resulting from its activity.

Article 27

Execution of the agreement by Switzerland

The Federal Political Department is the Swiss authority which is entrusted with the execution of this agreement and the arrangement for its execution.

Article 28

Jurisdiction

1. Any divergence of opinion concerning the application or interpretation of this agreement which has not been settled by direct conversations between the parties may be submitted by either party to an arbitral tribunal of three members.

2. The Swiss Federal Council and the Union shall each choose one member of the tribunal.

3. The members so appointed shall choose their chairman.

4. In the event of disagreement between the members on the choice of chairman, the chairman shall be chosen by the President of the International Court of Justice at the request of the members of the tribunal.

5. The tribunal shall determine its own procedure.

Article 29

Coming into force

This agreement shall come into force as soon as it has been signed on behalf of the Swiss Federal Council and in the name of the Union.

Article 30

Modification of the agreement

1. This agreement may be revised at the request of either party.
2. In this event, the two parties shall consult each other concerning the modifications to be made in its provisions.
3. If the negotiations do not result in an understanding within one year, the agreement may be denounced by either party giving two years' notice.

DONE and signed at Geneva on 22 July 1971
in two copies.

For the Swiss Federal Council

*The Permanent Representative
of Switzerland to International
Organizations in Geneva*

Jean HUMBERT

For the International
Telecommunication Union

The Secretary-General

Mohammed MILI

- (b) Arrangement for the execution of the Agreement made between the Swiss Federal Council and the International Telecommunication Union concerning the legal status of the International Telecommunication Union in Switzerland.²⁷
Signed on 22 July 1971

Article 1

Import and export of goods

The Swiss Federal Council recognizes, so far as it is concerned, that the provisions and restrictions on the import and export of goods are not applicable to objects for the official use of the International Telecommunication Union and necessary for its work, subject to the provisions of general international conventions and measures of a sanitary character, it being understood that it is for the Union to obtain any consent from other States which may be necessary to make this exemption effective.

Article 2

Fiscal position

1. The Union may not be required to pay any tax on the rental due for premises leased by it and occupied by its services.
2. With regard to federal turnover tax, however, whether included in the price or patently transferred, the exemption shall apply only to purchases intended for the Union's official use and provided that the amount invoiced for one and the same purchase exceeds 100 Swiss francs.

²⁷ Came into force on the date of signature.

Article 3

Free disposal of funds

1. The Union may hold accounts in all currencies.
2. The Union may freely transfer abroad funds, notes, specie and securities.
3. The Union may convert all moneys held by it into other currencies.
4. The Swiss Federal Council will have regard to the provisions of the preceding paragraphs of this article in its negotiations with foreign governments concerning the transfer of funds and goods.

Article 4

Press communications

The Union shall enjoy the preferential tariffs applicable to press communications, in accordance with the International Telecommunications Convention, for its communications addressed directly or through an intermediary to the press and radio.

Article 5

Visas

1. For the purpose of facilitating the entry into Switzerland of the persons enumerated in articles 11, 12, 14, 16, 17 and 18 of the agreement, Swiss embassies and consulates abroad shall be given general instructions in advance to grant visas on production of a passport or any equivalent identity and travel document and of a document sufficient to establish the official relationship of the applicant to the Union.
2. Swiss embassies and consulates will be given instructions to grant visas without any delay or waiting period and without requiring the personal attendance of the applicant or the payment of charges.
3. The provisions of article 18 of the agreement and of this article shall apply in the same conditions to the members of the family of the person concerned as defined in article 23 of the agreement.

Article 6

Status of representatives other than permanent representatives

Where the incidence of any form of taxation depends upon residence in Switzerland, periods during which the representatives of Members of the Union on its principal and subsidiary organs and at meetings convened by the Union are present in Switzerland for the discharge of their duties shall not be considered as periods of residence.

Article 7

Immunities and facilities accorded to officials not of Swiss nationality

Officials of the Union who are not of Swiss nationality shall enjoy the following exemptions and facilities:

- (a) exemption from federal, cantonal and communal taxes in accordance with the usages established for the non-Swiss personnel of the international institutions in Geneva;
- (b) the customs examination of luggage of the Union officials mentioned in this article shall be limited to the strict minimum.

Article 8

Military service of Swiss officials

1. The Secretary-General of the Union shall communicate to the Swiss Federal Council a list of the officials of Swiss nationality who are subject to military obligations.
2. The Secretary-General of the Union and the Swiss Federal Council shall draw up by common agreement a restricted list of officials of Swiss nationality who, on account of their functions, will be accorded dispensations from military service.
3. In the event of the mobilization of other Swiss officials, the Union may request through the Federal Political Department a postponement of call-up or any other appropriate measures.

Article 9

Diplomatic passports

Officials of Swiss nationality, of the categories fixed by common agreement between the Secretary-General of the Union and the Swiss Federal Council, who travel on official mission or reside abroad on account of their functions shall be entitled to diplomatic passports issued by the Federal Political Department.

Article 10

Coming into force

The present arrangement shall come into force as soon as it has been signed in the name of the Swiss Federal Council and in the name of the International Telecommunication Union.

Article 11

Modification of the arrangement

1. This arrangement may be revised at the request of either party.
2. In this event the two parties shall consult each other concerning the modifications to be made in the provisions of the arrangement.
3. If the negotiations do not result in an understanding within one year, the arrangement may be denounced by either party giving two years' notice.

For the Swiss Federal Council

*The Permanent Représentative
of Switzerland to International
Organizations in Geneva*

Jean HUMBERT

For the International
Telecommunication Union

The Secretary-General

Mohammed MILI

5. INTERNATIONAL ATOMIC ENERGY AGENCY

1. Agreement on the Privileges and Immunities of the International Atomic Energy Agency.²⁸ Approved by the Board of Governors of the Agency on 1 July 1959

(a) *Deposit of Instruments of Acceptance*

The following Member State accepted the Agreement on the Privileges and Immunities of the International Atomic Energy Agency in 1971:²⁹

<i>State</i>	<i>Date of deposit of instrument of acceptance</i>
Indonesia ³⁰	4 June 1971

This brought up to 39 the number of States parties to the Agreement.

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

- (i) Section 20 of the Agreement between the International Atomic Energy Agency, the Government of India and the Government of the United States of America relating to Safeguards Provisions (INFCIRC/154); entered into force on 27 January 1971.
 - (ii) Article VII, section 13 of the Agreement between the International Atomic Energy Agency and the Governments of the Federal Republic of Germany and the United Mexican States for the Transfer of a Training Reactor and Enriched Uranium Therefor (INFCIRC/162); entered into force on 21 December 1971.
2. Agreement between the International Atomic Energy Agency and the Republic of Austria³¹ amending the agreement of 11 December 1957 regarding the Headquarters of the International Atomic Energy Agency.³² Signed at Vienna on 4 June 1970

The International Atomic Energy Agency and the Republic of Austria,

²⁸ United Nations, *Treaty Series*, vol. 374, p. 147.

²⁹ The Agreement comes into force as between the Agency and the accepting States on the date of deposit of instruments of acceptance.

³⁰ With the following reservations:

“Article II section 2 (b):

The capacity of the International Atomic Energy Agency to acquire and dispose of immovable property shall be exercised with due regard to national laws and regulations.

“Article X section 34:

With regard to the competence of the International Court of Justice in disputes concerning the interpretation or application of the Convention, the Government of Indonesia reserves the right to maintain that in every individual case the agreement of the parties to the dispute is required before the Court for a ruling.

“Article VI section 18:

The concessions and privileges conferred by the Agreement on the employees of the Agency, other than those which also follow from Article XV of the Statute, such as immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity, should not be admissible to the Indonesian Nationals serving on the staff of the Agency in Indonesia.”

³¹ Entered into force on 1 October 1971.

³² United Nations, *Treaty Series*, vol. 339, p. 111.

In the light of sub-section 49 (c) of the Agreement signed on 11 December 1957 regarding the Headquarters of the International Atomic Energy Agency—hereinafter referred to as the “Headquarters Agreement”—which provides that terms and conditions contained in any agreement between the Republic of Austria and another intergovernmental organization and more favourable to that organization than similar terms and conditions of the Headquarters Agreement shall be extended to the IAEA by means of a supplemental agreement, and

Having regard to various terms and conditions of the Agreement signed on 13 April 1967 between the United Nations and the Republic of Austria regarding the Headquarters of the United Nations Industrial Development Organization, together with the exchange of notes of the same date,³³

Have agreed as follows:

Article I

Sub-section 22 (g) of the Headquarters Agreement shall be amended to read as follows:

“Articles imported in accordance with sub-sections (d) and (e) or obtained from the Government in accordance with sub-section (f) of this section shall not be sold by the IAEA in the Republic of Austria within two years of their importation or acquisition, unless otherwise agreed upon by the Government.”

Article II

Section 24 of the Headquarters Agreement shall be amended to read as follows:

“The United Nations Joint Staff Pension Fund and any pension or provident fund established by or conducted under the authority of the IAEA shall enjoy legal capacity in the Republic of Austria if the IAEA so requests and shall enjoy the same exemptions, privileges and immunities as the IAEA itself. The legal status enjoyed by the United Nations Joint Staff Pension Fund in the Republic of Austria by virtue of other international agreements shall not be affected by this provision.”

Article III

Section 26 of the Headquarters Agreement shall be supplemented by a third sentence to read as follows:

“Persons to whom this Agreement applies, and who are not Austrian nationals or stateless persons resident in the Republic of Austria, shall not benefit under the Austrian regulations governing family and maternity allowances.”

Article IV

(1) Sub-section 38 (d) of the Headquarters Agreement shall be amended to read as follows:

“Exemption from taxation in respect of the salaries, emoluments, indemnities and pensions paid to them by the IAEA or by one of the pension or provident funds referred to in section 24 for services past or present or in connection with their service with the IAEA.”

(2) Sub-section 38 (h) of the Headquarters Agreement shall be amended to read as follows:

“Freedom to acquire or maintain within the Republic of Austria or elsewhere foreign securities, foreign currency accounts and other movable and, under the same conditions applicable

³³ See *Juridical Yearbook*, 1967, p. 44.

to Austrian nationals, immovable property; and at the termination of their IAEA employment the right to take out of the Republic of Austria through authorized channels without prohibition, or restriction, their funds in the same currency and up to the same amounts as they had brought into the Republic of Austria.”

(3) Sub-section 38 (j) (iii) of the Headquarters Agreement shall be amended to read as follows:

“Limited quantities of certain articles for personal use or consumption and not for gift or sale; the IAEA may establish a commissary for the sale of such articles to its officials, to the Governors and Resident Representatives to the IAEA, and to those of their alternates, advisers and experts who have diplomatic status; a supplemental agreement shall be concluded between the IAEA and the Government to regulate the exercise of these rights.”

Article V

(1) Sub-section 48 (c) of the Headquarters Agreement shall be amended to read as follows:

“Officials of the IAEA who are Austrian nationals or stateless persons resident in the Republic of Austria shall enjoy the privileges and immunities, exemptions and facilities accorded by this Agreement to the extent recognized by international law as accepted by the Government, provided, however, that sections 25 and 26 and sub-sections 38 (a), 38 (d) and 38 (g) shall, in any event, apply to them. They shall also have access to the Commissary established in accordance with sub-section 38 (j) (iii), the exercise of this right being regulated by the supplemental agreement provided for in that sub-section. Experts of the IAEA who are Austrian nationals or stateless persons resident in the Republic of Austria shall enjoy only the privileges and immunities, exemptions and facilities accorded by sub-sections 42 (a), 42 (b), 42 (c), 42 (d), 42 (g) and 42 (h).”

(2) Sub-section 48 (d) of the Headquarters Agreement shall be amended to read as follows:

“This Agreement shall apply irrespective of whether the Government maintains or does not maintain diplomatic relations with the State concerned and irrespective of whether the State concerned grants a similar privilege or immunity to the diplomatic envoys or nationals of the Republic of Austria.”

Article VI

This Agreement shall enter into force upon an exchange of notes between the Director General of the International Atomic Energy Agency and the duly authorized representative of the Federal President of the Republic of Austria.

DONE at Vienna, this fourth day of June 1970, in two copies in the Chinese, English, French, Russian, Spanish and German languages, each text being equally authentic.

For the International Atomic Energy Agency:

(Signed) Sigvard EKLUND

For the Republic of Austria:

(Signed) Rudolf KIRCHSCHLÄGER