

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1982

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

No additional State acceded to the Convention in 1982.² The number of States parties to the Convention thus remains at 118.³

2. AGREEMENTS RELATING TO INSTALLATIONS AND MEETINGS

- (a) Agreement between the United Nations and Finland for the establishment of the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations.⁴ Signed at New York on 23 December 1981

Article VII

PRIVILEGES AND IMMUNITIES

1. United Nations officials, and experts on mission for the United Nations, performing functions in connection with the Institute shall enjoy the privileges and immunities provided under articles V and VI, respectively, and VII of the Convention on the Privileges and Immunities of the United Nations.¹

2. Holders of United Nations fellowships for the Institute shall be granted such status and facilities, including transit to and from the Institute, as may be required for the performance of their functions in connection with the Institute.

3. All persons referred to in this article shall be granted facilities for speedy travel, and visas, when required, shall be issued promptly and without charge.

- (b) Agreement between the United Nations and Sweden regarding the arrangements for the first meeting of the *Ad Hoc* Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer.⁵ Signed at Nairobi on 14 January 1982

Article X

LIABILITY

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

- (a) Injury to persons or damage to or loss of property in the premises referred to in article III above;

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

(c) The employment for the meeting of the personnel provided by the Government under article VIII above.

2. The Government shall indemnify and hold harmless the United Nations, UNEP and their personnel in respect of any such action, claim or other demand.

Article XI

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946,¹ shall be applicable in respect of the meeting. In particular, the representatives of Governments referred to in article II shall enjoy the privileges and immunities provided under article IV, the officials of the United Nations performing functions in connection with the meeting shall enjoy the privileges and immunities provided under articles V and VII, and experts on missions for the United Nations in connection with the meeting shall enjoy the privileges and immunities under article VI of the Convention.

2. The representatives referred to in article II shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connection with their participation in the meeting.

3. The representatives of the specialized agencies or of the International Atomic Energy Agency attending the meeting shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Specialized Agencies or the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, respectively.

4. Without prejudice to the preceding paragraphs of this article, all persons performing functions in connection with the meeting and all those invited to the meeting shall enjoy the privileges, immunities and facilities necessary for the independent exercise of their functions in connection with the meeting.

5. All persons referred to in article II, all United Nations officials serving the meeting and all experts on mission for the United Nations in connection with the meeting shall have the right of entry into and exit from Sweden and no impediment shall be imposed on their transit to and from the meeting area. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible.

6. The participants in the meeting referred to in article II above and officials of UNEP and the United Nations serving the meeting and experts on mission for the United Nations in connection with the meeting shall have the right to take out of Sweden at the time of their departure, without any restrictions, any unexpended portions of the funds they brought into Sweden in connection with the meeting at the United Nations official rate of exchange prevailing when the funds were brought in.

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

(c) Exchange of letters constituting an agreement between the United Nations and Austria concerning the exemption from certain taxes of United Nations officials with duty station in Austria.⁶ Vienna, 12 January 1982, and New York, 27 January 1982

I

LETTER FROM THE FEDERAL GOVERNMENT OF AUSTRIA

12 January 1982

I have the honour to refer to the accord reached between representatives of the Austrian Federal Government and the United Nations regarding exemption of United Nations officials from certain taxes and to propose that the following additional privileges be granted to United Nations officials with duty station in Austria and members of their families forming part of their household, provided they are not Austrian nationals or stateless persons permanently resident in Austria, without prejudice to the Agreement regarding the Headquarters of the United Nations Industrial Development Organization signed on 13 April 1967:⁷

1. Exemption from taxation on all income and property of officials and members of their families forming part of their households, insofar as such income and property do not come under the limited tax liability of the Austrian legislation on taxation of income or property.

2. Exemption from inheritance and gift taxes, insofar as such arise solely from the fact that the officials and members of their households reside or maintain their usual domicile in Austria.

If this proposal meets with the approval of the United Nations, I have the honour to propose that this Note and your affirmative reply thereto shall constitute an Agreement between the Federal Government of Austria and the United Nations that will come into force 30 days after notification of the United Nations by the Austrian Federal Government that the statutory requirements for its entry into force have been met.

(Signed) Willibald PAHR
Minister for Foreign Affairs

II

LETTER FROM THE UNITED NATIONS

27 January 1982

I have the honour to refer to your letter dated 12 January 1982 which, in the English language, reads as follows:

[See letter I]

I have the honour to confirm that the above-mentioned proposal is acceptable to the United Nations and that your note and this reply shall constitute an Agreement between the United Nations and the Federal Government of Austria.

(Signed) Javier PÉREZ DE CUÉLLAR
Secretary-General

(d) Agreement between the United Nations and Greece regarding the headquarters of the Co-ordinating Unit for the Mediterranean Action Plan.⁸ Signed at Nairobi on 11 February 1982

Article III

INVIOABILITY OF THE HEADQUARTERS SEAT

SECTION 7

(a) The Government recognizes the inviolability of the headquarters seat, which shall be under the control and authority of the Unit as provided in this Agreement.

(b) Except as otherwise provided in this Agreement or in the General Convention,⁹ the laws of the Hellenic Republic shall apply within the headquarters seat.

(c) Except as otherwise provided in this Agreement or in the General Convention, the courts or other appropriate organs of the Hellenic Republic shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the headquarters seat.

SECTION 8

(a) The headquarters seat shall be inviolable. No officer or official of the Hellenic Republic, or other persons exercising any public authority within the Hellenic Republic, shall enter the headquarters seat to perform any duties therein except with the consent of, and under conditions approved by, the Director. The service of legal process, including the seizure of private property, shall not take place within the headquarters seat except with the express consent of, and under conditions approved by, the Director.

(b) Without prejudice to the provisions of the General Convention or article X of this Agreement, the Unit shall prevent the headquarters seat from being used as a refuge by persons who are avoiding arrest under any law of the Hellenic Republic, who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process.

Article VI

COMMUNICATION AND PUBLICATIONS

SECTION 12

(a) All official communications directed to the Unit, or to any officials of the Environment Secretariat, at the headquarters seat, and all outward official communications of the Unit, by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, films and sound recordings.

(b) The Unit shall have the right to use codes and to dispatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

SECTION 13

(a) The Government recognizes the right of the Unit freely to publish and broadcast within the Hellenic Republic in the fulfilment of its purposes, it being understood that broadcasting will be effected through the national networks in accordance with the laws of the Hellenic Republic.

(b) The Unit shall, however, respect any laws of the Hellenic Republic, or any international conventions to which the Hellenic Republic is a party, relating to copyrights.

Article VII

FREEDOM FROM TAXATION

SECTION 14

(a) The Unit, its assets, income and other property shall be exempt from all forms of direct taxes, provided, however, that such tax exemption shall not extend to the owner or lessor of any property rented by the Unit and that the Unit will not claim exemption from taxes which are, in fact, no more than charges for public utility services.

(b) While the Unit will not generally claim exemption from taxes which constitute part of the cost of goods purchased by or services rendered to the Unit, including rentals, nevertheless, when the Unit is making important purchases for official use on which such taxes or duties have been charged or are chargeable, the Government shall, whenever possible, make appropriate administrative arrangements for the remission or refund of such taxes or duties. With respect to such taxes or duties, the Unit shall at all times enjoy at least the same exemptions and facilities as are granted to Greek governmental administrations or to chiefs of diplomatic missions accredited to the Hellenic Republic, whichever are the more favourable.

(c) In any transaction to which the Unit is a party, the Government shall, whenever possible, exempt the Unit from all taxes, recording fees and documentary taxes.

(d) Articles imported or exported by the Unit for official purposes shall be exempt from customs duties and other levies, and from prohibitions and restrictions on imports and exports.

(e) The Unit shall be exempt from customs duties and other levies, prohibitions and restrictions on the importation of service automobiles, and spare parts thereof, required for its official purposes.

(f) The Government shall, if requested, grant the Unit such facilities for the procurement of gasoline or other fuels and lubricating oils for each such automobile operated by the Unit in such quantities as are required for the work of the Unit and at such special rates as may be established for diplomatic missions in the Hellenic Republic.

(g) Articles imported in accordance with subsections (d) and (e), or obtained from the Government in accordance with subsection (f) of this section, may be sold by the Unit in the Hellenic Republic at any time after their importation or acquisition, subject to the Government regulations concerning payment by the buyer of customs duties and other levies.

Article VIII

FINANCIAL FACILITIES

SECTION 15

(a) Without being subject to any financial controls, regulations or moratoria of any kind, the Unit may freely:

- (i) Purchase any currencies through authorized channels and hold and dispose of them;
- (ii) Operate accounts in any currency;
- (iii) Purchase through authorized channels, hold and dispose of funds, securities and gold; and
- (iv) Transfer its funds, securities, gold and currencies to or from the Hellenic Republic, to or from any other country, or within the Hellenic Republic.

(b) The Government shall assist the Unit to obtain the most favourable conditions as regards exchange rates, banking commissions in exchange transactions and the like.

(c) The Unit shall, in exercising its rights under this section, pay due regard to any representations made by the Government in so far as effect can be given to such representations without prejudicing the interests of the Unit.

Article IX

SOCIAL SECURITY

SECTION 16

The Unit shall be exempt from all compulsory contributions to, and subject to the provisions of section 17, officials of the Environment Secretariat shall not be required by the Government to participate in, any social security scheme of the Hellenic Republic.

SECTION 17

The Government shall make such provisions as may be necessary to enable any official of the Unit who is not afforded social security coverage by the Unit to participate in the social security scheme of the Hellenic Republic. The Unit shall arrange, under conditions to be agreed upon, for the participation in the Greek social security system of those members of its staff who do not participate in the United Nations Joint Staff Pension Fund or to whom the Unit does not grant social security protection at least equivalent to that offered under Greek law.

Article X

TRANSIT AND RESIDENCE

SECTION 18

(a) The Government shall take all necessary measures to facilitate the entry into and sojourn in Greek territory, and shall place no impediment in the way of the departure from Greek territory, of the persons listed below; it shall ensure that no impediment is placed in the way of their transit to or from the headquarters seat and shall afford them any necessary protection in transit:

- (i) Representatives of Member States, their families and other members of their households, as well as clerical and other auxiliary personnel and the spouses and dependent children of such personnel;
- (ii) Officials of the Environment Secretariat, their families and other members of their households;
- (iii) Officials of the United Nations, or of one of the specialized agencies or the International Atomic Energy Agency, attached to the Unit, and those who have official business with the Unit, and their spouses and dependent children;
- (iv) Representatives of other organizations with which UNEP or the Unit has established official relations who have official business with the Unit;
- (v) Persons, other than officials of the Environment Secretariat, performing missions authorized by UNEP or the Unit or serving on committee or other subsidiary organs of the Unit, and their spouses;
- (vi) Representatives of the press, film, television or other information media who have been accredited to the Unit in its discretion after consultation with the Government;
- (vii) Representatives of other organizations or other persons invited by the Unit to the headquarters seat on official business.

The Director shall communicate the names of such persons to the Government before their intended entry.

(b) This section shall not apply in the case of general interruption of transportation, which shall be dealt with as provided in section 11 (b), and shall not impair the effectiveness of generally applicable laws relating to the operation of means of transportation.

(c) Visas, where required for persons referred to in subsection (a), shall be granted without charges and as promptly as possible.

(d) No activity performed by any person referred to in subsection (a) in his official capacity with respect to the Unit shall constitute a reason for preventing his entry into or his departure from the territory of the Hellenic Republic or for requiring him to leave such territory.

(e) No person referred to in subsection (a) shall be required by the Government to leave the Hellenic Republic save in the event of an abuse of the right of residence, in which case the following procedure shall apply:

- (i) No proceeding shall be instituted to require any such person to leave the Hellenic Republic except with the prior approval of the Minister for the time being responsible for foreign affairs of the Hellenic Republic;

- (ii) In the case of a representative of a Member State, such approval shall be given only after consultation with the Government of the Member State concerned;
 - (iii) In the case of any other person mentioned in subsection (a), such approval shall be given only after consultation with the Executive Director, and if expulsion proceedings are taken against any such person, the Executive Director shall have the right to appear or to be represented in such proceedings on behalf of the person against whom such proceedings are instituted; and
 - (iv) Persons who are entitled to diplomatic privileges and immunities under section 22 shall not be required to leave the Hellenic Republic otherwise than in accordance with the customary procedure applicable to members, having comparable rank, or the staffs of chiefs of diplomatic missions accredited to the Hellenic Republic.
- (f) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in subsection (a), or the reasonable application of quarantine and health regulations.

Article XI

REPRESENTATIVES TO THE UNIT

SECTION 19

Representatives of Member States to meetings of or convened by the Unit, and those who have official business with the Unit, shall, while exercising their functions and during their journey to and from the Hellenic Republic, enjoy the privileges and immunities provided in article IV of the General Convention.

SECTION 20

The Director shall communicate to the Government a list of persons within the scope of this article and shall revise such list from time to time as may be necessary.

Article XII

OFFICIALS AND EXPERTS OF THE ENVIRONMENT SECRETARIAT

SECTION 21

Officials of the Environment Secretariat shall enjoy within and with respect to the Hellenic Republic the following privileges and immunities:

- (a) Immunity from legal process of any kind in respect of words spoken or written, and of acts performed by them in their official capacity, such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the Environment Secretariat or the Unit;
- (b) Immunity from seizure of their personal and official baggage;
- (c) Immunity from inspection of official baggage, and if the official comes within the scope of section 22, immunity from inspection of personal baggage;
- (d) Exemption from taxation in respect of the salaries, emoluments, indemnities and pensions paid to them by UNEP or the Unit for services past or present or in connection with their service with UNEP or the Unit;
- (e) Exemption from any form of taxation on income derived by them from sources outside the Hellenic Republic;
- (f) Exemption from registration and circulation fees in respect of their automobiles;
- (g) Exemption, with respect to themselves, their spouses, their dependent relatives and other members of their households, from immigration restrictions and alien registration;

(h) Exemption from national service obligations, provided that, with respect to Greek nationals, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Executive Director and approved by the Government; provided further that should officials, other than those listed, who are Greek nationals, be called up for national service, the Government shall, upon request of the Executive Director, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption of the essential work of the Unit;

(i) The right to purchase petrol free of duty for their vehicles on similar terms as are accorded to members of diplomatic missions accredited to the Hellenic Republic;

(j) Freedom to acquire or maintain within the Hellenic Republic or elsewhere foreign securities, foreign currency accounts, and other movables, and the right to take the same out of the Hellenic Republic through authorized channels without prohibition or restriction;

(k) Subject to the laws of the Hellenic Republic applicable to regions in the vicinity of frontiers, freedom to purchase one dwelling house within the Hellenic Republic for strictly personal use, and the right to finance such purchase through local mortgage arrangements under the same conditions applicable to Greek nationals; in the event of sale of such house, the right to take out of the Hellenic Republic, through authorized channels, the proceeds of the sale, after repayment of any outstanding local loan or local mortgage, in transferable currency;

(l) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members, having comparable rank, of the staffs of chiefs of diplomatic missions accredited to the Hellenic Republic;

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

(i) Their furniture, household and personal effects, in one or more separate shipments, and thereafter to import necessary additions to the same;

(ii) One automobile, and in the case of officials accompanied by their dependants, two automobiles every three years, unless the Unit and the Government agree in particular cases that replacements may take place at an earlier date, because of loss, extensive damage or otherwise;

(iii) Reasonable quantities of certain articles, including liquor, tobacco, cigarettes and foodstuffs, for personal use or consumption and not for gift or sale;

(n) Automobiles imported in accordance with subsection (m) (ii) of this section may be sold in the Hellenic Republic at any time after their importation, subject to the Government regulations concerning payment by the buyer of customs duties;

(o) Officials of the Environment Secretariat other than officials of the Unit shall not enjoy the privileges, immunities and exemptions provided for in subsections (e), (f), (h), (i), (k), (m) and (n), of this section, it being understood, however, that this limitation is without prejudice to any privilege, immunity or exemption to which they may be entitled under the General Convention;

(p) Officials of the Unit who are locally recruited shall enjoy only those privileges and immunities provided in the General Convention, it being understood, nevertheless, that such privileges and immunities include exemption from taxation on pensions paid to them by the United Nations Joint Staff Pension Fund.

SECTION 22

In addition to the privileges and immunities specified in section 21, the Director and other officials of the Environment Secretariat having the Professional grade P-5 and above, and such additional categories of officials of the Unit as may be designated, in agreement with the Government, by the Executive Director in consultation with the Secretary-General of the United Nations on the grounds of the responsibilities of their positions in the Unit, shall be

accorded the same privileges and immunities, exemptions and facilities as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic missions accredited to the Hellenic Republic.

SECTION 23

Experts (other than officials coming within the scope of sections 21 and 22) performing missions authorized by, serving on committees or other subsidiary organs of, or consulting at its request in any way with the Unit, shall enjoy, within and with respect to the Hellenic Republic, the following privileges and immunities so far as may be necessary for the effective exercise of their functions:

(a) Immunity from personal arrest or detention and from seizure of their personal and official baggage;

(b) Immunity from legal process of any kind with respect to words spoken or written, and all acts done by them in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned may no longer be employed on missions for, serving on committees of, or acting as consultants for, the Unit, or may no longer be present at the headquarters seat or attending meetings convened by the Unit;

(c) Inviolability of all papers, documents and other official material;

(d) The right, for the purpose of all communications with the Unit, to use codes and to dispatch or receive papers, correspondence or other official material by courier or in sealed bags;

(e) Exemption with respect to themselves and their spouses from immigration restrictions and alien registration;

(f) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members, having comparable rank, of the staffs of chiefs of diplomatic missions accredited to the Hellenic Republic;

(g) The same privileges with respect to currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;

(h) The same immunities and facilities with respect to their personal and official baggage as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic missions accredited to the Hellenic Republic;

(i) Where the incidence of any form of taxation depends upon residence, periods during which the persons designated in this section may be present in the Hellenic Republic for the discharge of their duties shall not be considered as periods of residence; in particular, such persons shall be exempt from taxation on their salaries and emoluments received from the Unit during such periods of duty; and

(j) Experts of Greek nationality shall enjoy the privileges, immunities and exemptions provided for in this section only in so far as those privileges, immunities and exemptions coincide with those specified in section 22 of the General Convention.

SECTION 24

(a) The Director shall communicate to the Government a list of the officials of the Unit and experts within the scope of this article and shall revise such list from time to time as may be necessary.

(b) The Government shall furnish persons within the scope of this section with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Greek authorities.

Article XIV

GENERAL PROVISIONS

SECTION 27

The Hellenic Republic shall not incur by reason of the location of the headquarters seat of the Unit within its territory any international responsibility for acts or omissions of the Unit or of officials of the Environment Secretariat acting or abstaining from acting within the scope of their functions, other than the international responsibility which the Hellenic Republic would incur as a Member of the United Nations.

SECTION 28

Without prejudice to the privileges and immunities accorded by this Agreement, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the Hellenic Republic. They also have a duty not to interfere in the internal affairs of the Hellenic Republic.

SECTION 29

(a) The Executive Director and the Director shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this Agreement shall occur.

(b) Should the Government consider that an abuse of a privilege or immunity conferred by this Agreement has occurred, the Executive Director shall, upon request, consult with the appropriate Greek authorities to determine whether any such abuse has occurred. If such consultations fail to achieve a result satisfactory to the Government and to the Executive Director, the matter shall be determined in accordance with the procedure set out in section 26.

SECTION 30

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 diplomatic envoys or nationals of the Hellenic Republic.

...

SECTION 32

The provisions of this Agreement shall be complementary to the provisions of the General Convention. In so far as any provision of this Agreement and any provision of the General Convention relate to the same subject-matter, the two provisions shall, whenever possible, be treated as complementary, so that both provisions shall be applicable and neither shall narrow the effect of the other.

(e) Agreement on co-operation between the United Nations (Economic Commission for Latin America) and Spain.¹⁰ Signed at Madrid on 12 February 1982

Article X

Officials of the United Nations Economic Commission for Latin America who collaborate with the Programme, as well as officials of the United Nations, enjoy the privileges and immunities provided for in the Convention on the Privileges and Immunities of the United Nations of 13 February 1946,¹ to which Spain is a party.

(f) Exchange of notes constituting an agreement between the United Nations and Austria concerning the arrangements for the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space.¹¹ New York, 10 March 1982

I

NOTE FROM THE UNITED NATIONS

10 March 1982

I have the honour to refer to the arrangements for the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE 82) which the United Nations is arranging at the Hofburg in Vienna, Austria, from 9 to 21 August 1982. With the present letter I wish to obtain your Government's acceptance of the following arrangements:

...

LIABILITY

20. Without prejudice to paragraph (1) of article I of the Headquarters Seat Agreement signed 19 January 1981, the Government shall be responsible for dealing with any action, claim or other demand against the United Nations or its personnel and arising out of (a) injury to person or damage to or loss of property in the premises referred to in paragraphs 3 and 4 of this Agreement; (b) injury to person or damage to or loss of property caused by or incurred in using, the transport services referred to in paragraph 11 of this Agreement; and (c) the employment for the Conference of the personnel provided by the Government pursuant to paragraphs 13 and 14 of this Agreement.

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

PRIVILEGES AND IMMUNITIES

22. All representatives of States and of the United Nations Council for Namibia participating in the Conference in accordance with paragraph 1 (a) and (b) of this Agreement shall enjoy the privileges and immunities provided to representatives of Member States under UNIDO's Headquarters Agreement, signed 13 April 1967.

23. Observers referred to in paragraph 1 (c) and (d) of this Agreement shall enjoy immunity from legal process in respect of words spoken and written and of any act performed by them in their official capacity in connection with the Conference.

24. Personnel provided by the Government under paragraph 14 of this Agreement, with the exception of those who are assigned to hourly rates, shall enjoy immunity from legal process in respect of words spoken or written and of any act performed by them in their official capacity in connection with the Conference. Such immunity shall, however, not apply in case of an accident caused by vehicle, vessel or aircraft.

25. Observers from interested intergovernmental or non-governmental organizations participating in the Conference in accordance with paragraphs 1 (g) and (h) of this Agreement shall enjoy immunity from legal process in respect of words spoken or written and of any act performed by them in the exercise of their official functions in connection with the Conference.

...

I further propose that upon receipt of your affirmative answer, this exchange of letters shall constitute an Agreement between the United Nations and the Federal Government of Austria which shall enter into force on the date of your reply and shall remain in force for the duration of the Conference and for such time thereafter as is necessary for the complete executive of the provisions of this Agreement.

(Signed) Yash PAL
Secretary-General
Second United Nations Conference on the
Exploration and Peaceful Uses of Outer Space

II

NOTE FROM THE PERMANENT MISSION OF AUSTRIA TO THE UNITED NATIONS

10 March 1987

I have the honour to refer to your note of 10 May 1982 which, in the English language, reads as follows:

[See note I]

I have the honour to confirm that the contents of the note are acceptable to the Austrian Government, and that your note and this reply shall constitute an Agreement between the Government of Austria and the United Nations which shall enter into force on the date of this reply and shall remain in force for the duration of the Conference and for such time thereafter as is necessary for the complete execution of the provisions of this Agreement.

*(Signed) Karl FISCHER
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Austria
to the United Nations*

- (g) Exchange of notes constituting an agreement between the United Nations and Malta concerning the arrangements for the Seminar on the question of Palestine, to be convened in Malta from 12 to 16 April 1982.¹² New York, 23 and 31 March 1982

I

NOTE FROM THE UNITED NATIONS

23 March 1982

I have the honour to refer to resolution 36/120 B adopted by the General Assembly at its 93rd plenary meeting on 10 December 1981, in particular to its paragraph 3 (a) by which the General Assembly requested the organization of regional seminars and, in addition, the organization, annually, of a seminar in North America.

The General Assembly's Committee on the Exercise of the Inalienable Rights of the Palestinian People has decided that the theme for the Seminars will be "The inalienable rights of the Palestinian people". The Committee further has received with appreciation the acceptance of Your Excellency's Government that one of these seminars be convened in Malta from 12 April to 16 April 1982, at the Mediterranean Conference Centre at Valletta.

...

With the present letter I have the honour to propose to your Government that the following terms should apply to the Seminar:

- (i) The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946, shall be applicable in respect of the Seminar. The representatives of States invited by the United Nations to participate in the Seminar shall enjoy the privileges and immunities accorded by article IV of the Convention and all other participants invited by the United Nations shall enjoy the privileges and immunities accorded to experts on mission for the United Nations by article VI of the Convention. Officials of the United Nations participating in or performing functions in connection with the Seminar shall enjoy the privileges and immunities provided under articles V and VII of the Con-

vention. Officials of the specialized agencies participating in the Seminar shall be accorded the privileges and immunities provided under articles VI and VII of the Convention on the Privileges and Immunities of the Specialized Agencies, adopted by the General Assembly of the United Nations on 21 November 1947;

- (ii) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and persons performing functions in connection with the Seminar shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Seminar;
- (iii) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Seminar;
- (iv) All participants and all United Nations officials performing functions in connection with the Seminar shall have the right of unimpeded entry into and exit from Malta. Visas and entry permits, where required, shall be granted promptly upon application and free of charge;
- (v) It is further understood that your Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of (i) injury or damage to person or property in conference or office premises provided for the Seminar; (ii) the transportation provided by your Government; and (iii) the employment for the Seminar of personnel provided or arranged by your Government; and your Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand, except where it is agreed by the parties hereto that the damage, loss or injury giving rise to such actions, claim or demand are caused by the wilful misconduct or gross negligence of United Nations personnel;
- (vi) Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provisions of the Convention on the Privileges and Immunities of the United Nations or of any other applicable agreement, shall, unless the parties otherwise agree, be submitted to a tribunal of three arbitrators, one of whom shall be appointed by the Secretary-General of the United Nations, one by the Government, and the third, who shall be the chairman, by the other two arbitrators. If either party does not appoint an arbitrator within three months of the other party having notified the name of its arbitrator or if the first two arbitrators do not within three months of the appointment or nomination of the second one of them appoint the chairman, then such arbitrator shall be nominated by the President of the International Court of Justice at the request of either party to the dispute. Except as otherwise agreed by the parties, the tribunal shall adopt its own rules of procedure, provide for the reimbursement of its members and the distribution of expenses between the parties and take all decisions by a two-thirds majority. Its decisions on all questions of procedure and substance shall be final and, even if rendered in default of one of the parties, be binding on both of them.

I further propose that upon receipt of your Government's acceptance of this proposal the present letter and the letter in reply from your Government shall constitute an agreement between the Government of Malta and the United Nations concerning the arrangements for the Seminar.

*(Signed) William B. BUFFUM
Under-Secretary-General
Political and General Assembly Affairs*

II
NOTE FROM THE PERMANENT MISSION OF MALTA
TO THE UNITED NATIONS

31 March 1982

I write to thank you for your letter dated 23 March, and to confirm that the terms proposed in that letter are acceptable to my Government.

In these circumstances, your letter and this reply thereto shall constitute the agreement between the United Nations and the Government of Malta concerning the arrangement for the Seminar on the Question of Palestine to be held in Malta from 12 to 16 April, 1982.

(Signed) Victor J. GAUCI
Permanent Representative

- (h) Agreement between the United Nations and Mexico regarding the arrangements for the Meeting on the Structures for Science and Technology Policy Formulation and Implementation in Latin America and the Caribbean, to be convened in Mexico City from 27 to 30 April 1982.⁵ Signed at Mexico City on 5 April 1982

Article IV

PRIVILEGES, IMMUNITIES AND VISAS

(a) I. The Convention on the Privileges and Immunities of the United Nations, with the reservations made by the Government on 26 November 1962, shall be fully applicable in respect of the Meeting. The participants invited by the United Nations shall enjoy the privileges and immunities accorded to experts on mission for the United Nations in accordance with article VI of the Convention. Officials of the United Nations participating in or performing functions in connection with the Meeting shall enjoy the privileges and immunities provided under articles V and VII of the Convention.

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

III. Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words written or spoken and any act performed by them in their official capacity in connection with the Meeting.

(b) All participants and all persons performing functions in connection with the Meeting shall have the right of entry into and exit from Mexico. Visas and entry permits, where required, shall be granted as speedily as possible and free of charge.

(c) The Government will be responsible for dealing with any claim or other demand against the United Nations arising out of:

I. Injury or damage to person or property in premises provided for the Meeting;

II. The transportation provided by the Government;

III. Actions or omissions of the personnel provided by the Government. The Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand, except if the parties agree that injury or damage were caused intentionally or by gross negligence of the United Nations personnel.

- (i) Agreement between the United Nations and Italy regarding arrangements for the session of the Interim Committee on New and Renewable Sources of Energy, to be held in Rome from 7 to 18 June 1982.⁵ Signed at Rome on 6 June 1982

Article X

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, hereinafter referred to as "the Convention", shall be applicable with respect to the Session.

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

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

4. The experts referred to in article II, 1 (g), the representatives of organizations, referred to in article II, 1 (c) and (d), and observers from non-governmental Organizations referred to in article II, 1 (f), shall in connection with their participation in the Session enjoy the privileges and immunities provided for in article VI of the Convention.

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

6. Pursuant to articles IV, V and VII of the Convention, all persons referred to in article II or in the present article shall have the right of entry into and exit from Italy and no impediment shall be imposed on their transit to and from the Conference area. They shall be granted facilities for speedy travel. On the same basis, visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the Session. If the application for the visa is not made at least two and a half weeks before the opening of the Session, the visa shall be granted not later than three days from the receipt of the application.

(j) Exchange of letters constituting an agreement between the United Nations and Sweden concerning the arrangements for the Workshop on Utilization of Subsurface Space, to be held in Sweden from 24 to 29 October 1982.¹³ New York, 25 May and 10 June 1982

I

LETTER FROM THE UNITED NATIONS

25 May 1982

I have the honour to refer to the arrangements for the Workshop on Utilization of Subsurface Space which is to be held in Sweden from 24 to 29 October 1982 with the assistance of the Swedish Rock Mechanics Research Foundation and with the co-operation of the Government of Sweden.

...

I wish to propose that the following terms shall apply to the Workshop:

- (a) (i) The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Workshop;
- (ii) Officials of the United Nations participating in or performing a function in connection with the workshop shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

- (iii) Officials of the Specialized Agencies participating in the Workshop shall enjoy the privileges and immunities provided under articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies;
- (iv) The participants in the workshop invited by the United Nations are designated by the organization as experts on mission and shall enjoy the privileges and immunities provided under article VI of the Convention on the Privileges and Immunities of the United Nations.

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

(c) It is further understood that your Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of any injury or damage to person or property in conference or office premises provided for the Workshop.

...

Finally, I propose that upon receipt of your confirmation to me in writing of the above, and the attached agreement, this exchange of letters shall constitute an agreement between the United Nations and the Government of Sweden regarding the arrangements for the Workshop on Utilization of Subsurface Space, Sweden.

(Signed) Bi Jilong
Under-Secretary-General
Department of Technical Co-operation
for Development

II

LETTER FROM THE PERMANENT MISSION OF SWEDEN TO THE UNITED NATIONS

10 June 1982

I have the honour to acknowledge receipt of your letter dated 25 May 1982 regarding a Workshop on Utilization of Subsurface Space to be held in Sweden from 24 to 29 October 1982. In reply I have the honour to inform you that the Swedish Government agree with the arrangements as outlined in your letter and will regard that letter and this reply as constituting an Agreement between the Government of Sweden and the United Nations governing the preparations for and convening of the Workshop.

(Signed) Anders THUNBORG
Ambassador, Permanent Representative
of Sweden to the United Nations

- (k) Agreement between the United Nations and Mexico regarding arrangements for the eighth session of the World Food Council of the United Nations, to be held at Acapulco from 21 to 24 June 1982.⁵ Signed at Mexico City on 15 June 1982

Article X

LIABILITY

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

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

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

(c) the employment for the session of the personnel provided by the Government under article VIII above.

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

Article XI

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, shall be applicable in respect of the session. In particular, the representatives of States and of the United Nations Council for Namibia referred to in article II (a) and (b) shall enjoy the privileges and immunities provided under article IV, the officials of the United Nations performing functions in connection with the session shall enjoy the privileges and immunities provided under articles V and VII and experts on mission for the United Nations in connection with the session shall enjoy the privileges and immunities provided under article VI of the Convention.

2. The representatives/observers referred to in article II (c), (e) and (g) shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connection with their participation in the session.

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

4. The representatives of the Specialized Agencies or of the International Atomic Energy Agency, referred to in article II (d), shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Specialized Agencies or the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, respectively.

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

6. All persons referred to in article II, all United Nations officials serving the sessions and all experts on mission for the United Nations in connection with the session shall have the right of entry into and exit from Mexico, and no impediment shall be imposed on their transit to and from the conference areas. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the session. If the application for the visa is not made at least two and a half weeks before the opening of the session, the visa shall be granted not later than three days from the receipt of the application. Arrangements will also be made to ensure that visas for the duration of the session are delivered at the airport of arrival to participants who were unable to obtain them prior to their arrival. Exit permits, where required, shall be granted free of charge, as speedily as possible, and in any case not later than three days before the closing of the session.

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

8. The participants in the session and the representatives of information media, referred to in article II above, and officials of the United Nations serving the session and experts on mission for the United Nations in connection with the session shall have the right to take out of Mexico at the time of their departure, without any restrictions, any unexpended portions of the funds they brought into Mexico in connection with the session at the United Nations official rate of exchange prevailing when the funds were brought in.

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

(f) Exchange of letters constituting an agreement between the United Nations and China concerning the International Meeting on Oilfield Development Techniques, to be held in China at Daqing Oilfield in September 1982.¹⁴ New York, 3 and 16 June 1982

I

LETTER FROM THE UNITED NATIONS

3 June 1982

...

With the present letter I wish to request your Government's confirmation on the following *ad hoc* arrangements:

...

11. (a) (i) Articles I, II and III of the Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Meeting. In addition, the participants invited by the United Nations shall enjoy the privileges and immunities accorded to experts on mission for the United Nations by article VI of the Convention. Officials of the United Nations participating in or performing functions in connection with the Meeting shall enjoy the privileges and immunities provided under articles V and VII of the Convention.

(ii) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and persons performing functions in connection with the Meeting referred to in paragraphs 2, 3 and 10 above shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Meeting, and they shall have the right of unimpeded entry into and exit from China. Visas and entry permits where required shall be granted free of charge and as speedily as possible.

(b) It is further understood that your Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of:

(i) Injury or damage to person or property in conference or office premises provided for the Meeting;

(ii) The transportation provided by your Government for the Meeting. Your Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand except where it is agreed that the claim or liability arises from the gross negligence or wilful misconduct of the above-mentioned individuals.

...

On receipt of acceptance by the Government of the above points, the present letter and the reply from Your Excellency will be taken to constitute an agreement between the United Nations and the Government of the People's Republic of China concerning the arrangements for the International Meeting on Oilfield Development Techniques.

*(Signed) Bi Jilong
Under-Secretary-General
Department of Technical
Co-operation for
Development*

II

LETTER FROM THE PERMANENT MISSION OF THE PEOPLE'S REPUBLIC OF CHINA
TO THE UNITED NATIONS

16 June 1982

I have the honour to refer to your letter dated 3 June 1982 and to confirm, on behalf of the Government of the People's Republic of China, the arrangements referred to in the above-mentioned letter concerning the International Meeting on Oilfield Development Techniques to be held in China at the Daqing Oilfield in September 1982 . . .

It is agreed that your letter mentioned above and this letter of reply constitute an agreement between the Chinese Government and the United Nations concerning the arrangements for the International Meeting on Oilfield Development Techniques.

*(Signed) LING Qing
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the
People's Republic of China to the
United Nations*

- (m) Exchange of letters constituting an agreement between the United Nations and Australia concerning the United Nations Symposium on Coal for Electricity Generation in Developing Countries, to be held in Australia in December 1982.¹⁵ New York, 17 June 1982

I

LETTER FROM THE UNITED NATIONS

17 June 1982

. . .

The purpose of this letter is to specify the arrangements for which the Government of Australia and the United Nations are respectively responsible.

. . .

I would appreciate receiving your Government's confirmation of its agreement to the provisions outlined above and would be grateful for the confirmation of your Government's concurrence to the following conditions:

- (a) (i) The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Symposium;
- (ii) Officials of the United Nations participating in or performing functions in connection with the Symposium shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

- (iii) Officials of the specialized agencies participating in the Symposium shall enjoy the privileges and immunities provided under articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies;
- (iv) The participants in the Symposium invited by the United Nations are designated by the Organization as experts on mission and shall enjoy the privileges and immunities provided under article VI of the Convention on the Privileges and Immunities of the United Nations.

(b) All participants and all persons performing functions in connection with the Symposium shall be permitted to enter and leave Australia without delay. There will be no charge for the issue of visas and entry permits. When applications are made four weeks before the opening of the Symposium, visas shall be granted not later than two weeks before the opening of the Symposium. If the application is made less than four weeks before the opening, visas will be granted as speedily as possible and not later than three days before the opening.

(c) It is further understood that your Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of (i) injury or damage to person or property in conference or office premises provided for the Symposium, (ii) the transportation provided by your Government and (iii) the employment for the Symposium of personnel provided or arranged by your Government, and your Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand except where such action, claim or other demand arises from gross negligence or wilful misconduct of United Nations staff.

...

I should be grateful to receive your confirmation that the foregoing *ad hoc* arrangements are acceptable to the Australian authorities.

(Signed) B1 Jilong
Under-Secretary-General
Department of Technical
Co-operation for Development

II

LETTER FROM THE PERMANENT MISSION OF AUSTRALIA TO THE UNITED NATIONS

17 June 1982

I have the honour to acknowledge receipt of your letter TE 326/I(II-38) of 17 June 1982 specifying the *ad hoc* arrangements for which the Government of Australia and the United Nations will be respectively responsible in respect of the proposed United Nations Symposium on Coal for Electricity Generation in Developing Countries.

The *ad hoc* arrangements you have proposed appear faithfully to reflect the conclusions of the consultations that have taken place and are acceptable to the Australian Government.

(Signed) H. D. ANDERSON
Permanent Representative of Australia
to the United Nations

- (n) Exchange of letters constituting an agreement between the United Nations and Canada concerning the Interregional Workshop on Drilling in the Mineral Industry, to be held in Sudbury, Canada, from 14 to 28 August 1982.¹⁶ New York, 26 May 1982, and Ottawa, 28 June 1982

I

LETTER FROM THE UNITED NATIONS

26 May 1982

We have received a letter from Ms. Judy Erols, Minister of State, Mines, Department of Energy, Mines and Resources enclosing a Memorandum of Understanding Between the Government of Canada and the United Nations regarding the Interregional Workshop on Drilling in the Mineral Industry.

I have the honour to inform you that the United Nations agrees with the terms of the Memorandum of Understanding and the Annex.

...

(Signed) Bi Jilong
Under-Secretary-General
Department of Technical Co-operation
for Development

MEMORANDUM OF UNDERSTANDING

...

Article VI

The Convention of February 13, 1946 on the Privileges and Immunities of the United Nations, to which Canada is a party, will be applicable in respect of the Workshop. United Nations officials assigned to Canada for the purpose of the Workshop will have the privileges and immunities described in Article V of the Convention. The Workshop participants, lecturers and other persons temporarily under instructions from the United Nations for the purpose of the Workshop will have the privileges and immunities described in Article VI of this Convention. All the aforementioned persons, except Canadian citizens, will be granted visas, where required, free of charge, and entry to Canada as speedily as possible, in order to permit them to participate in the Workshop, in accordance with Article VII of the Convention.

Article VII

The United Nations will make appropriate arrangements for insurance to cover liability for any action, claim or other demand that may arise out of the holding of the Workshop in Canada and involve persons referred to in Article VI, including death or personal injury or property damage or its loss caused to the above persons or to any natural or juridical person in Canada. The cost, if any, of this insurance policy will be included among the expenditures effected by the United Nations from the contribution of the Government made in accordance with Article II of this Memorandum.

II

LETTER FROM THE GOVERNMENT OF CANADA

28 June 1982

I have the honour to refer to your letter of May 26 concerning the Interregional Workshop on Drilling in the Mineral Industry, to be held in Sudbury, Ontario, Canada, from August 14 to 28, 1982.

In this regard, I am attaching to my letter the text of the Understanding Between the United Nations and the Government of Canada, and its Annex, to which you agreed on behalf of the United Nations.

I am pleased to inform you that it also meets with the approval of the Government of Canada and therefore constitutes an understanding between the United Nations and the Government.

(Signed) Jacques DUPUIS
*Assistant Under-Secretary
Bureau of Multilateral Affairs,
Department of External Affairs*

- (o) Agreement between the United Nations and the Philippines regarding arrangements for the eighth session of the Commission on Transnational Corporations, to be held in Manila from 30 August to 10 September 1982.¹⁵ Signed at New York on 29 June 1982.

Article X

LIABILITY

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

Article XI

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, shall be applicable in respect to the session in accordance with the accession to the Convention by the Government on 18 October 1947.

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

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

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

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

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

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

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

9. For the purpose of the application of the Convention on the Privileges and Immunities of the United Nations, the premises of the Session referred to in article II above shall be deemed to constitute premises of the United Nations and access thereto shall be under the control and authority of the United Nations. The premises shall be inviolable for the duration of the Session, including the time required for the preparatory stage and the winding-up.

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

Article XII

IMPORT DUTIES AND TAX

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

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

(p) Agreement between the United Nations and Panama regarding the establishment of a United Nations Information Centre in Panama.⁵ Signed at New York on 7 October 1982

Article I

ESTABLISHMENT OF THE CENTRE

SECTION 1

A United Nations Information Centre shall be established in Panama City, Panama, to carry out the functions assigned to it by the Secretary-General within the framework of the Department of Public Information.

Article II

STATUS OF THE CENTRE

SECTION 2

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

SECTION 3

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

SECTION 4

The appropriate Panamanian authorities shall exercise their respective powers to ensure that the Centre shall be supplied with the necessary public services on equitable terms. The Centre shall enjoy treatment for the use of telephone, radio-telegraph and mail communication facilities, not less favourable than that normally accorded and extended to diplomatic missions.

Article III

FACILITIES AND SERVICES

SECTION 5

The Government shall make annual contributions toward the maintenance and operation of the Centre by providing (a) such non-recurrent expenditures as suitable, rent-free premises at a mutually agreeable location and suitable office furniture and other possible facilities necessary for the well-functioning of the Centre and (b) such recurrent facilities as for current repairs and maintenance of Centre premises, telecommunications within Panama, as well as three (3) local staff members.

The United Nations shall provide one (1) Professional and two (2) local level posts as well as the necessary operational funds from its regular budget.

Article IV

OFFICIALS OF THE CENTRE

SECTION 6

Officials of the Centre, except those who are locally recruited staff in the General Service or related categories, shall enjoy, within and with respect to Panama, the following privileges and immunities:

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

(b) Immunity from seizure of their official baggage;

(c) Immunity from inspection of their official baggage;

(d) Exemption from any form of taxation in respect of the salaries, emoluments, indemnities and pensions paid to them by the United Nations for services past or present;

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

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

(g) Immunity from National Service obligations;

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

(i) The same protection and repatriation facilities with respect to themselves, their spouses, their relatives dependent on them, and other members of their households as are accorded in times of international crises to diplomatic envoys; and

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

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

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

SECTION 7

In addition to the privileges and immunities specified in Section 6, the Director of the Centre shall enjoy, in respect of himself, his spouse, his relatives dependent on him, the privileges and immunities, exemptions and facilities normally accorded to diplomatic envoys of comparable rank. He shall for this purpose be included in the Diplomatic List by the Panamanian Ministry of Foreign Affairs.

SECTION 8

Officials of the Centre who are locally recruited staff in the General Service or related categories shall enjoy only, within and with respect to Panama, the privileges and immunities referred to in sub-paragraphs (a), (b), (c), (d) and (g) of Section 6 of this Agreement. These officials also shall enjoy such other privileges and immunities as they may be entitled to under Article V, Section 18, and Article VII of the Convention.

SECTION 9

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

Article V

GENERAL PROVISIONS

SECTION 10

The provisions of the Convention on the Privileges and Immunities of the United Nations, to which Panama acceded on 27 May 1947, shall fully apply to the Centre, and the provisions of this Agreement shall be complementary to those of the Convention related to the same subject-matter; the two provisions shall, where possible, be treated as complementary, so that both provisions shall be applicable and neither shall restrict the effect of the other.

SECTION 11

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

- (q) Agreement between the United Nations and Egypt relating to the continuation and further extension of the Interregional Centre for Demographic Research and Training established at Cairo by the Agreement between the above Parties signed in New York on 8 February 1963,¹⁷ in Cairo on 14 November 1968,¹⁸ in New York on 22 June 1972¹⁹ and in Cairo on 6 November 1976,²⁰ Signed at New York on 20 October 1982 and at Cairo on 6 November 1982

Article VII

FACILITIES, PRIVILEGES AND IMMUNITIES

1. Scientific apparatus, equipment and educational materials, articles and provisions (such as calculating machines, books, films, etc.) procured for the Centre shall be imported without restrictions or prohibitions and shall be exempt from customs duties and other duties or taxes. It is understood, however, that such articles and goods shall not be sold or traded in the Arab Republic of Egypt except under conditions agreed to by the United Nations and the Government.

2. Officials of the United Nations performing functions in connection with the Centre shall enjoy the privileges and immunities provided under articles V and VII of the Convention on Privileges and Immunities of the United Nations, and the members of the Governing Council as referred to in article II, and of the Advisory Committee as referred to in article III, who are not otherwise officials of the organizations, shall enjoy the privileges and immunities under article VI of the Convention whenever the aforementioned bodies are in session or whenever the members of these bodies are performing functions in connection with the Centre.

3. Without prejudice to the foregoing provision, the Government undertakes to accord all members of the Governing Council and of the Advisory Committee such facilities and courtesies as are necessary for the exercise of their functions in connection with the Centre.

4. All holders of United Nations fellowships at the Centre who are not nationals of the Arab Republic of Egypt shall have right of entry into and exit from the Arab Republic of Egypt and of sojourn there for the period necessary for their training. They shall be granted facilities for speedy travel; visas, where required, shall be granted promptly and free of charge.

- (r) Memorandum of Understanding between the United Nations and Argentina regarding the Fifth Ministerial Meeting of the Group of 77⁵ Signed at Geneva on 3 December 1982

STAFF RECRUITED FOR OR ASSIGNED TO THE MEETING BY THE UNITED NATIONS

7. The United Nations Convention on Privileges and Immunities, to which the Argentine Republic is a Party, shall apply to the United Nations staff assigned to, or attending the Meeting. Such staff shall enjoy the privileges and immunities provided under articles V and VII of the Convention. Experts on mission for the United Nations in connection with the Meeting shall enjoy the privileges and immunities provided under articles VI and VII of the Convention.

LIABILITY

5. The Government shall be responsible for dealing with any action, claim or other demand against the United Nations or its staff in connection with the Meeting.

6. The Government shall indemnify and hold harmless the United Nations and its staff in respect of any such action, claim or other demand.

- (s) Agreement between the United Nations and Jamaica regarding the arrangements for the final part of the eleventh session of the Third United Nations Conference on the Law of the Sea for the purpose of signing the Final Act and the opening

of the Convention for signature, to be held at Montego Bay from 6 to 10 December 1982.⁵ Signed at New York on 3 December 1982

Article X

LIABILITY

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

(a) Injury to persons or damage to or loss of property in the premises referred to in article III that are provided by or are under the control of the Government;

(b) Injury to persons or damage to or loss of property caused by, or incurred in using, the transport services referred to in article VI that are provided by or are under the control of the Government;

(c) The employment for the Conference of the personnel provided by the Government under article VIII.

2. The Government shall indemnify and hold harmless the United Nations and its officials in respect of any such action, claim or other demand except those arising from wilful misconduct or gross negligence.

Article XI

PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, to which Jamaica is a party, shall be applicable in respect of the Conference. In particular, the representatives of States, territories and of the intergovernmental organs referred to in article II, paragraph 1 (i) (a) and (b), and paragraph 1 (ii) (a), (b), (c) and (d) above, shall enjoy the privileges and immunities provided under article IV of the Convention, the officials of the United Nations performing functions in connection with the Conference referred to in article II, paragraph 2 above, shall enjoy the privileges and immunities provided under articles V and VII of the Convention and any experts on mission for the United Nations in connection with the Conference shall enjoy the privileges and immunities provided under articles VI and VII of the Convention.

2. The representatives of observers referred to in article II, paragraph 1 (i) (c) above, shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connection with their participation in the Conference.

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

4. The representatives of the specialized or related agencies referred to in article II, paragraph 1 (i) (d) above, shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Specialized Agencies²¹ or the Agreement on the Privileges and Immunities of the International Atomic Energy Agency,²² as appropriate.

5. All other persons performing functions in connection with the conference, including those referred to in article VIII and all those invited to the Conference, shall enjoy the privileges, immunities and facilities necessary for the independent exercise of their functions in connection with the Conference.

6. All persons referred to in article II shall have the right of entry into and exit from Jamaica and no impediment shall be imposed on their transit to and from the Conference area. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the Conference provided the application for the visa is made at least

three weeks before the opening of the Conference; if the application is made later, the visa shall be granted not later than three days from the receipt of the application. Arrangements shall also be made to ensure that visas for the duration of the Conference are delivered at Donald Sangster International Airport, to participants who are unable to obtain them prior to their arrival. Exit permits, where required, shall be granted free of charge, as speedily as possible, and in any case not later than three days before the closing of the Conference.

7. For the purpose of the Convention on the Privileges and Immunities of the United Nations, the premises specified in article III, paragraph 1 above, shall be deemed to constitute premises of the United Nations in the sense of section 3 of the Convention and access thereto shall be subject to the authority and control of the United Nations. The premises shall be inviolable for the duration of the Conference, including the preparatory stage and the winding-up.

8. All persons referred to in article II above, shall have the right to take out of Jamaica at the time of their departure, without any restriction, any unexpended portions of the funds they brought into Jamaica in connection with the Conference and to reconvert any such funds at the rate at which they had originally been converted.

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

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

Article VI

CLAIMS AGAINST UNICEF

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

Article VII

PRIVILEGES AND IMMUNITIES

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

Agreement between the United Nations (United Nations Children's Fund) and Somalia concerning the activities of UNICEF in Somalia.⁵ Signed at Mogadiscio on 24 April 1982

This agreement contains provisions similar to articles VI and VII of the revised model agreement.

4. AGREEMENTS RELATING TO THE UNITED NATIONS REVOLVING FUND FOR NATURAL RESOURCES EXPLORATION

Project Agreement (Natural Resources Exploration Project) between the United Nations (United Nations Revolving Fund for Natural Resources Exploration) and Mali.²³ Signed at Bamako on 12 October 1981

This Agreement contains provisions similar to article V and sections 6.02 and 6.03 of article VI of the Agreement reproduced in *Juridical Yearbook, 1979*, pp. 35-37.

5. AGREEMENTS RELATING TO THE UNITED NATIONS CAPITAL DEVELOPMENT FUND

- (a) Basic Agreement between the United Nations Capital Development Fund and Gambia⁵ concerning assistance from the United Nations Capital Development Fund. Signed at Banjul on 21 January 1982

Article III

UTILIZATION OF ASSISTANCE

5. All goods, including vehicles and equipment, financed out of proceeds of the assistance shall belong to the UNCDF unless and until such time as ownership thereof is transferred, on terms and conditions mutually agreed upon between the parties, to the Government or to an entity nominated by it.

6. The Government shall cause all goods, including vehicles and equipment, financed out of the proceeds of the assistance, to be insured against all risks including but not limited to fire, theft, damage by improper handling, weather and other causes, during the transit, delivery to the site, installation and use of such goods and equipment. Vehicles and other movable equipment shall additionally be insured against collision damage and third-party liability. The terms and conditions of such insurance shall be consistent with sound commercial practices and shall cover the full delivery value of the goods and equipment. Such terms and conditions shall provide for the proceeds of the insurance of imported goods to be payable in a fully convertible currency. Any insurance proceeds shall be credited to the Account and shall in all respects become subject to and part of the funds governed by the Project Agreement.

7. Except as otherwise agreed by the UNCDF, the Government shall not create or permit to be created any encumbrance, mortgage, pledge, charge or lien of any kind on the goods, including vehicles and equipment, financed out of the proceeds of the assistance provided, however, that this paragraph shall not apply to any lien created at the time of purchase solely as security for the payment of the purchase price of such goods.

Article V

PRIVILEGES, IMMUNITIES AND FACILITIES

The provisions of articles IX (Privileges and immunities) and X (Facilities for execution of assistance) of the Basic Assistance Agreement of 24 February 1975 between the UNDP and the Government²⁴ shall apply *mutatis mutandis* to matters covered by this Basic Agreement, including matters covered by a Project Agreement.

- (b) Basic Agreements between the United Nations Capital Development Fund and the Governments of Haiti,⁵ Cape Verde,⁵ Malawi,⁵ Uganda,⁵ Ethiopia,⁵ Botswana,⁵ United Republic of Tanzania,⁵ Central African Republic,⁵ Maldives,⁵ Niger,⁵ Guinea,⁵ Lesotho,⁵ Bhutan,⁵ Togo,⁵ Burundi,⁵ Yemen⁵ and Democratic Yemen⁵ concerning assistance from the United Nations Capital Development Fund. Signed respectively at Port-au-Prince on 21 January 1982, at Praja on 23 January 1982, at Lilongwe on 2 February 1982, at Kampala on 5 February 1982, at Addis Ababa on 12 February 1982, at Gaborone on 15 February 1982,

at Dar es Salaam on 25 March 1982, at Bangui on 26 April 1982, at Male on 27 April 1982, at Niamey on 27 April 1982, at Conakry on 29 April 1982, at Maseru on 12 May 1982, at Thimphu on 11 June 1982, at Lomé on 7 July 1982, at Bujumbura on 29 September 1982, at Sana'a on 16 October 1982 and at Aden on 17 October 1982.

These agreements contain provisions similar to those reproduced under (a) above.

- (c) Basic Agreement between the United Nations Capital Development Fund and Bangladesh⁵ concerning assistance from the United Nations Capital Development Fund. Signed at Dacca on 6 March 1982

This Agreement contains provisions similar to those reproduced under (a) above, except that the provision corresponding to paragraph 6 of article II reads as follows:

"On all goods, including vehicles and equipment, financed out of the proceeds of the UNCDF assistance to the Government, the latter shall meet charges relating to customs clearance of such goods, their transportation from the port of entry to the project site together with any incidental handling on storage and related expenses. The insurance of such goods will be effected in accordance with the terms and conditions that will be agreed upon in the revised standard agreement between the Government and the United Nations Development Programme currently under active consideration."

and that the provision corresponding to article V reads as follows:

"PRIVILEGES, IMMUNITIES AND FACILITIES

"The provisions of article VIII (Facilities, privileges and immunities) of the Agreement of 31 July 1972 between the UNDP (Special Fund) and the Government²⁵ shall apply *mutatis mutandis* to matters covered by this Basic Agreement, including matters covered by a Project Agreement. The provisions of article VIII of the UNDP (Special Fund) Agreement shall, however, cease to apply upon signature and entry into force of the Basic Assistance Agreement between the UNDP and the Government which is presently under consideration by the Government; and thereupon the provisions of articles IX (Privileges and immunities) and X (Facilities for execution of assistance) of the Basic Assistance Agreement shall apply *mutatis mutandis* to matters covered by the Basic Agreement, including matters covered by a Project Agreement."

- (d) Basic Agreement between the United Nations Capital Development Fund and Mali concerning assistance from the United Nations Capital Development Fund. Signed at Bamako on 29 January 1982

This Agreement contains provisions similar to those reproduced under (a) above except that the provision corresponding to paragraph 6 of article III reads as follows:

"6. The contents of the existing Agreement between UNDP and the Republic of Mali will apply to the insurance of all material and equipment provided by UNDP to projects in Mali."

- (e) Basic Agreements between the United Nations Capital Development Fund and the Governments of Afghanistan⁵ and Western Samoa⁵ concerning assistance from the United Nations Capital Development Fund. Signed respectively at Kabul on 26 May 1982 and at Apia on 5 April 1982.

These agreements contain provisions similar to those reproduced under (a) above, except that the provision corresponding to article V is similar to the provision entitled "Privileges, immunities and facilities" reproduced under (c) above.

6. AGREEMENTS RELATED TO THE UNITED NATIONS ENVIRONMENT PROGRAMME

(a) Agreements on the provision of junior professional officers

- (i) Agreement between the United Nations Environment Programme and the Libyan Arab Jamahiriya.⁵ Signed at Nairobi on 19 May 1982

...

1. The Jamahiriya shall endeavour to provide Junior Professional Officers for service with United Nations Environment Programme in accordance with the following principles:

(a) Junior Professional Officers shall be made available by the Jamahiriya in response to specific requests from United Nations Environment Programme, and shall be assigned to functions for which the latter is responsible;

(b) The final decision regarding the appointment and assignment of Junior Professional Officers shall rest with United Nations Environment Programme;

(c) Junior Professional Officers shall, for the duration of their appointment with United Nations Environment Programme, be subject, as international civil servants, to the Staff Regulations and Rules of the United Nations as applicable to United Nations Environment Programme in accordance with their letters of appointment, a copy of which shall be provided to the Jamahiriya by the United Nations Environment Programme;

...

- (ii) Agreement between the United Nations Environment Programme and the Federal Republic of Germany.⁵ Signed at Nairobi on 3 September 1982.

This Agreement contains provisions similar to those reproduced in the *Juridical Yearbook, 1979*, p. 37.

- (b) Agreement between United Nations Environment Programme and the Libyan Arab Jamahiriya on the provision of advisory services with regard to certain environmental matters.⁸ Signed at Nairobi on 19 May 1982

Article III

1. The appointment of consultants shall be subject to the provisions prescribed by the United Nations for consultants, as indicated in the special service agreements. Those provisions shall include compensation under appendix D to the United Nations Staff Rules for death, injury or illness.

...

Article IV

...

3. To the consultants covered by this Agreement shall be applied the privileges, immunities and exemptions enjoyed under article IV (5) of the Agreement between the United Nations and Libya for the Provision of Operational and Executive Personnel of 27 June 1959.

...

Article V

1. The Jamahiriya shall deal with complaints which may be brought by third parties against officials of the United Nations Environment Programme to whom the provisions of this Agreement apply provided that neither of them is prejudiced by such complaints.

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

In 1982 the following States parties to the Convention undertook by a notification to apply the provisions of the Convention, in respect of the specialized agencies indicated below:²⁶

<i>State</i>	<i>Date of receipt of notification</i>	<i>Specialized agencies</i>
Hungary.....	19 August 1982	IBRD, IMF
Gabon.....	30 November 1982	FAO, IBRD, ICAO, IDA, IFC, ILO, IMF, IMO, UNESCO, UPU, WHO, WIPO, WMO

As of 31 December 1982, 88 States were parties to the Convention.²⁷

2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

(a) Agreements for the establishment of an FAO Representative's Office

In 1982, agreements for the establishment of an FAO Representative's Office, providing, *inter alia*, for privileges and immunities, were concluded with the following countries: Angola, China, Equatorial Guinea.

(b) Agreements based on the standard "Memorandum of Responsibilities" in respect of FAO sessions

Agreements concerning specific sessions held outside FAO headquarters and containing provisions on privileges and immunities of FAO and participants similar to the standard text²⁸ were concluded in 1982 with the Governments of the following countries acting as hosts to such sessions:

Algeria, Australia,²⁹ Austria, Bangladesh, Bolivia,²⁹ Bulgaria,²⁹ Canada,²⁹ Columbia,²⁹ Costa Rica, Cyprus, Denmark, Egypt, France,²⁹ Hungary, India,²⁹ Indonesia, Italy,²⁹ Jamaica, Jordan, Kenya,²⁹ Malaysia, Morocco, Nepal, Nicaragua, Nigeria, Peru, Portugal,²⁹ Qatar, Senegal, Seychelles, Sierra Leone, Spain,²⁹ Togo, Tunisia, United Kingdom,²⁹ United States,²⁹ Uruguay,²⁹ Venezuela.

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

Agreements concerning specific training activities, containing provisions on privileges and immunities of FAO and participants similar to the standard text³⁰ were concluded in 1982 with the governments of the following countries acting as hosts to such training activities

Argentina, Botswana, Brazil, Cameroon, Costa Rica, Cyprus, Democratic People's Republic of Korea, India,²⁹ Indonesia, Jamaica, Kenya, Niger, Pakistan, Peru, Philippines, Senegal, Spain,²⁹ Suriname, Swaziland, United Republic of Tanzania, Thailand, Tunisia.

3. WORLD HEALTH ORGANIZATION

Basic Agreements on technical advisory co-operation

Basic Agreements on technical advisory co-operation were concluded in 1982 between the World Health Organization and the following States:

<i>State</i>	<i>Place of signature</i>	<i>Date of signature</i>
Dominica	Roseau Washington, D.C.	2 April 1982 5 February 1982
Vanuatu	Port Vila Manila	7 September 1982 22 September 1982
China.....	Beijing	4 October 1982

These agreements contain provisions similar to article I, paragraph 6, and Article V of the Agreement of 1968 between the World Health Organization and Guyana.³¹

4. INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION³²

Exchange of notes constituting an agreement between the Inter-Governmental Maritime Consultative Organization and the Government of the United Kingdom of Great Britain and Northern Ireland to amend the Agreement regarding the Headquarters of the Organization, signed at London on 28 November 1968.³³ London, 20 January 1982³⁴

I

NOTE FROM THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

20 January 1982

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Inter-Governmental Maritime Consultative Organization regarding the headquarters of the Organization, signed at London on 28 November 1968 (hereinafter referred to as "the Agreement") and to discussions between officials of the Government and the Organization regarding the establishment of permanent missions to the Organization.

2. I now have the honour to propose that a new article be inserted in the Agreement after Article 13 as follows:

PART IV *bis*

PERMANENT REPRESENTATIVES

Article 13 bis

(1) Every person designated by a Member of the Organization as its Permanent Representative and the resident members of its mission of diplomatic rank shall enjoy, for the term of their business with the Organization, the privileges and immunities set out in Article V, Section 13, of the Convention.

(2) In addition they shall enjoy, for the term of their business with the Organization:

(a) The same exemption or relief from taxes and municipal rates and the same exemption from duties and taxes on the importation of goods imported for their personal use or for that of members of their families forming part of their household, including articles intended for their establishment, as are accorded to a diplomatic agent;

(b) a refund of duty and value-added tax on the importation of hydrocarbon oils purchased by them or on their behalf for their personal use or for that of members of their families forming part of their household;

(c) exemption from the provisions of any social security scheme established by the law of the United Kingdom; and

(d) in respect of members of their families forming part of their respective households, exemption from registration formalities for the purpose of immigration control, and exemption from any national service obligations which may be imposed.

(3) The provisions of Article V, Sections 14 and 16, and of Article VII, Section 25 of the Convention shall apply to the persons mentioned in paragraph (1) of this Article. Following completion of the procedures laid down by Section 25 in respect of any person, the privileges and immunities of that person shall cease on expiry of a reasonable time in which to leave the United Kingdom.

(4) The Government shall be notified by the Secretary-General in accordance with the procedure established by the Council, of the appointment of a Permanent Representative and of each member of the mission. Paragraphs (1) to (3) of this Article shall not apply to any person unless and until his name and status are duly notified to the Government.

(5) Paragraphs (1) to (3) of this Article shall not apply to any representative of the United Kingdom or to any citizen of the United Kingdom and Colonies. Paragraph (2) shall not apply to any person who is permanently resident in the United Kingdom; paragraph (1) shall only apply to a person so resident while exercising his official functions.

(6) This Article shall not prejudice the privileges and immunities to which representatives of Members may be entitled otherwise than under the provisions of this Article.

3. I have the honour to propose that the procedure for notification referred to in paragraph (4) of Article 13 *bis* above shall be that adopted by the Council on 17 June 1981.

4. If the foregoing proposal is acceptable to the Inter-Governmental Maritime Consultative Organization, I have the honour to propose that this Note, together with your reply in that sense, shall constitute an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Inter-Governmental Maritime Consultative Organization which shall enter into force on the date on which the United Kingdom legislation giving effect to the provisions of the new Article comes into operation.

(Signed) R. W. H. DU BOULAY
Protocol and Conference Department
Foreign and Commonwealth Office

II

NOTE FROM THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

20 January 1982

I have the honour to refer to your Note of 20 January 1982 which reads as follows:

[See note I]

I have the honour to inform you that this foregoing proposal is acceptable to the Inter-Governmental Maritime Consultative Organization, who therefore agrees that your Note and the present reply shall constitute an Agreement between the Organization and your Government which shall enter into force on the date on which the United Kingdom legislation giving effect to the amendment comes into operation.

(Signed) C. P. SRIVASTAVA
Secretary-General

5. INTERNATIONAL ATOMIC ENERGY AGENCY

- (a) Agreement on the Privileges and Immunities of the International Atomic Energy Agency. Approved by the Board of Governors of the Agency on 1 July 1959²²

The following Member States accepted the Agreement on the dates indicated below:

<i>State</i>	<i>Date of deposit of instrument of acceptance</i>
Cuba.....	24 August 1982 ³⁵
Jordan	27 October 1982 ³⁶

This brought up to 51 the number of States parties to this Agreement.

- (b) Incorporation of provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency by reference in other agreements
- (1) Article 10 of the Agreement between the Republic of Guatemala and the International Atomic Energy Agency for the application of the safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons; entry into force 1 February 1982.
 - (2) Article 10 of the Agreement between the Republic of Venezuela and the International Atomic Energy Agency for the application of safeguards relating to the Treaty on the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons; entry into force 11 March 1982.
 - (3) Article 10 of the Agreement between the People's Republic of Bangladesh and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entry into force 11 June 1982.
 - (4) Article 10 of the Agreement between the Arab Republic of Egypt and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; entry into force 30 June 1982.
 - (5) Section 24 of the Agreement between the Government of the Argentine Republic and the International Atomic Energy Agency for the application of safeguards to nuclear material supplied from the Union of Soviet Socialist Republics; entry into force 8 July 1982.

- (6) Section 24 of the Agreement between the Government of the Republic of Chile and the International Atomic Energy Agency for the application of safeguards to nuclear material supplied from the United Kingdom of Great Britain and Northern Ireland; entry into force 22 September 1982.
- (7) Section 27 of the Agreement between the Government of the Federal Republic of Germany, the Government of Spain and the International Atomic Energy Agency for the application of safeguards in connection with the Agreement between the Governments on co-operation in the field of the utilization of nuclear energy for peaceful purposes; entry into force 29 September 1982.
- (8) Article 10 of the Agreement between the Republic of Colombia and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America; entry into force 22 December 1982.

(c) Provisions affecting the privileges and immunities of the
International Atomic Energy Agency in Austria

Exchange of letters between the International Atomic Energy Agency and Austria concerning the granting of additional tax exemption privileges to officials of the Agency and members of their household; entry into force 1 April 1982.

NOTES

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

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

³ For the list of those States, see *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1987* (United Nations publication, sales No. E.88.V.3).

⁴ Came into force on 8 August 1982.

⁵ Came into force on the date of signature.

⁶ Came into force on 1 April 1982.

⁷ Reproduced in *Juridical Yearbook*, 1967, p. 44.

⁸ Came into force provisionally on the date of signature.

⁹ Namely, the Convention on the Privileges and Immunities of the United Nations, approved by the General Assembly of the United Nations on 13 February 1946 (United Nations, *Treaty Series*, vol. 1, p. 15).

¹⁰ Came into force on 6 October 1982.

¹¹ Came into force on 10 May 1982.

¹² Came into force on 31 March 1982.

¹³ Came into force on 10 June 1982.

¹⁴ Came into force on 16 June 1982.

¹⁵ Came into force on 17 June 1982.

¹⁶ Came into force on 12 July 1982.

¹⁷ *Juridical Yearbook*, 1963, p. 25.

¹⁸ *Juridical Yearbook*, 1968, p. 41.

¹⁹ *Juridical Yearbook*, 1972, p. 23.

²⁰ Came into force provisionally on 6 November 1982.

²¹ United Nations, *Treaty Series*, vol. 33, p. 261.

²² United Nations, *Treaty Series*, vol. 374, p. 147.

²³ Came into force on 9 February 1982.

²⁴ See *Juridical Yearbook*, 1975, p. 25. For the text of articles IX and X of the Standard Basic Agreement see *Juridical Yearbook*, 1973, pp. 25 and 26.

²⁵ See *Juridical Yearbook*, 1972, p. 25. For the text of article VIII of the Model Argument, see *Juridical Yearbook*, 1963, p. 31.

²⁶ The Convention is in force with regard to each State party 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.

²⁷ For the list of those States, see *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1984* (United Nations publication, Sales No. E.85.V.4).

²⁸ Reproduced in *Juridical Yearbook, 1972*, pp. 32 and 33.

²⁹ Certain departures from, or amendments to, the standard text were introduced at the request of the host Government.

³⁰ Reproduced in *Juridical Yearbook, 1972*, p. 33.

³¹ Reproduced in *Juridical Yearbook, 1968*, p. 56.

³² As a result of the entry into force of amendments to the IMCO Convention adopted in 1975, with effect from 22 May 1982 the Organization's name was changed to International Maritime Organization"; see p. 126.

³³ See *Juridical Yearbook, 1968*, p. 56.

³⁴ Entered into force on 19 May 1982.

³⁵ With the following reservation: "The Republic of Cuba does not consider itself bound by the provisions of sections 26 and 34 of articles VIII and X of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency under which the International Court of Justice shall have obligatory jurisdiction in differences which may arise out of the interpretation or application of the Agreement. With regard to the competence of the International Court of Justice on such matters, Cuba holds that for a difference to be referred to the Court for settlement the consent of all parties involved must be obtained in each particular case."

³⁶ With the following reservation: "The privileges and immunities recognized under this Agreement shall not be extended to the officials of the International Atomic Energy Agency who are Jordanian Nationals if their station is in Jordan itself."