

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK

1991

Part One. Legal status of the United Nations and related intergovernmental organizations

Chapter II. Treaty provisions concerning the legal status of the United Nations and related intergovernmental organizations



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## Chapter II

### TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

#### A. Treaty provisions concerning the legal status of the United Nations

1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS.<sup>1</sup> APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 FEBRUARY 1946

The following States acceded to the Convention in 1991:<sup>2</sup>

<i>State</i>	<i>Date of receipt of instrument of accession</i>
Zimbabwe .....	13 May 1991
Estonia .....	21 October 1991

This brought to 126 the number of States parties to the Convention.<sup>3</sup>

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#### 2. AGREEMENTS RELATING TO INSTALLATIONS AND MEETINGS

- (a) Exchange of letters constituting an agreement between the United Nations and the Government of Nepal concerning a Regional Meeting on Confidence-building Measures in the Asia-Pacific Region [to be held at Kathmandu from 24 to 26 January 1991].<sup>4</sup> New York, 7 and 14 January 1991

#### I

##### LETTER FROM THE UNITED NATIONS

7 January 1991

I would like to propose that the following terms apply to the Meeting:

- (a) (i) All participants invited by the United Nations to the Meeting, other than representatives of States and officials of the United Nations, will be considered experts on mission for

the United Nations and in such capacity enjoy the privileges and immunities accorded under article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations.

- (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.

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

(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 injury or damage to persons or property in the Meeting or office premises provided for the Meeting, and your Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand.

...

I further propose that upon receipt of your confirmation in writing of the above, this exchange of letters shall constitute an agreement between the United Nations and the Government of Nepal for the Meeting.

*(Signed) Yasushi AKASHI  
Under-Secretary-General for  
Disarmament Affairs*

## II

### LETTER FROM THE PERMANENT MISSION OF THE KINGDOM OF NEPAL

14 January 1991

With reference to your letter dated 7 January 1991 and upon instructions from my Government, I have the honour to confirm that the following terms and conditions would apply to the "Regional Meeting in Confidence-building Measures in the Asia-Pacific Region", to be held under the auspices of the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific in Kathmandu, Nepal, from January 24 to 26, 1991:

[See letter I]

*(Signed) Jai Pratap RANA  
Permanent Representative*

- (b) Exchange of letters constituting an agreement between the United Nations and the Austrian Federal Government concerning the United Nations Seminar on Confidence- and Security-building Measures.<sup>5</sup> New York, 19 November 1990 and 21 February 1991

## I

### LETTER FROM THE UNITED NATIONS

19 November 1990

I have the honour to refer to the kind offer of the Austrian Government to cooperate with the United Nations in holding a Seminar on Confidence- and Security-building Measures. The meeting is being organized by the Department for Disarmament Affairs from 25 to 27 February 1991 in Vienna. With the present letter I wish to obtain your Government's acceptance of the following arrangements:

In accordance with paragraph (1) of article I of the Agreement between the United Nations and the Republic of Austria regarding the headquarters seat of the United Nations Industrial Development Organization and other United Nations offices at the Vienna International Centre, signed on 19 January 1981,<sup>6</sup> the provisions of the Headquarters Agreement for UNIDO signed on 13 April 1967<sup>7</sup> shall apply *mutatis mutandis* to the United Nations Seminar on Confidence- and Security-building Measures.

It is agreed that the total number of participants shall not exceed 50. The Department for Disarmament Affairs will make arrangements to invite competent experts in the area of confidence- and security-building measures, in consultation with your Government, from the Asian, Latin American, African, and Western and Eastern European regions. Staff members of the United Nations Department for Disarmament Affairs will also attend.

Funding for the seminar will derive from the approximately 1 million Austrian schillings to be made available by your Government for the purposes of the Seminar, and which will be augmented, if necessary, by extra-budgetary Department funds.

I should like to propose that the following terms, previously applied by the United Nations to similar events in the past, also apply to this Seminar:

- (a) (i) The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Seminar. 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 Seminar 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 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;

(b) All participants and all other persons performing functions in connection with the Seminar shall have the right of unimpeded entry into and exit from Austria. Visas and entry and exit permits, where required, shall be granted free of charge and as speedily as possible and not later than three days before the opening of the Seminar;

(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 the conference or office premises provided for the Seminar;
- (ii) The transportation provided by your Government;
- (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;

...

I further propose that upon receipt of your affirmative answer in writing to the above, this exchange of letters shall constitute an agreement between the United Nations and the Government of Austria regarding the provision of host facilities by your Government for the Seminar on Confidence- and Security-building Measures organized by the United Nations in Austria, and further that the agreement 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) Yasushi AKASHI  
Under-Secretary-General for  
Disarmament Affairs*

## II

### LETTER FROM THE PERMANENT MISSION OF AUSTRIA TO THE UNITED NATIONS

21 February 1991

I have the honour to acknowledge receipt of your letter of 19 November 1990 which reads as follows:

[See letter I]

...

I have the honour to confirm that your letter and my answer constitute an agreement between the Austrian Federal Government and the United Nations which enters into force on the date of this reply and shall remain in force for the duration of the Seminar for the complete execution of the provisions of this agreement.

*(Signed) Peter HOHENFELLNER  
Permanent Representative*

- (c) Exchange of letters constituting an agreement between the United Nations and the Union of Soviet Socialist Republics concerning a Conference of Peace Messenger Organizations [to be held at Dagomys (Sochi), USSR, from 10 to 14 June 1991].<sup>8</sup> New York, 17 January and 25 February 1991

## I

### LETTER FROM THE UNITED NATIONS

17 January 1991

...

I should also like to propose that the exchange of letters constituting an Agreement between the United Nations and the Union of Soviet Socialist Republics covering general terms applicable to United Nations seminars, symposiums and workshops to be held at the USSR on 14 and 15 June 1983, together with the Memorandum of Understanding which is an integral part of that Agreement,<sup>9</sup> shall be applicable to the Conference.

Upon receipt of a letter expressing the Soviet Government's concurrence with the above, the present letter and the Soviet Government's reply shall constitute an agreement between the United Nations and the Government of the Union of Soviet Socialist Republics concerning the Conference of Peace Messenger Organizations to be held at Dagomys (Sochi), USSR, from 10 to 14 June 1991.

*(Signed) Vasilij S. SAFRONCHUK  
Under-Secretary-General for  
Political and Security Council Affairs*

## II

### LETTER FROM THE PERMANENT MISSION OF THE UNION OF SOVIET SOCIALIST REPUBLICS

25 February 1991

With reference to your letter of 17 January 1991, I have the honour to confirm that the Government of the Union of Soviet Socialist Republics agrees to extend the effect of the Agreement between the Government of the USSR and the United Nations of 14 and 15 June 1983 concerning general terms applicable to United Nations seminars, symposiums and workshops to be held in the USSR and of the Memorandum of Understanding annexed thereto to the holding of a Conference of Peace Messenger Organizations in the USSR (Dagomys, 10-14 June 1991).

The Permanent Mission confirms that the Soviet Peace Fund accepts responsibility for the technical organization and the technical and administrative aspects of the holding of the Conference.

The necessary steps will be taken in the USSR to ensure that the Conference is given wide publicity through the mass media in an appropriate and timely fashion.

Your letter of 17 January 1991 and this reply from the Permanent Mission shall constitute an agreement between the Government of the USSR and the United Nations concerning the holding of the above-mentioned Conference.

*(Signed) W. LOZINSKIY*  
*First Deputy Permanent Representative*

- (d) Agreement between the United Nations and the Government of the Republic of Korea regarding the Arrangements for the forty-seventh session of the Economic and Social Commission for Asia and the Pacific<sup>10</sup> [to be held at Seoul from 1 to 10 April 1991]. Signed at Bangkok on 25 March 1991

#### *Article VIII*

#### LIABILITY

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

(a) Injury to person or damage/loss of property in the conference premises;

(b) Injury to person or damage/loss of property caused by, or incurred in using the transport services provided by or under the control of the Government; and

(c) The employment for the Session of the personnel provided by the Government.

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

### *Article IX*

#### PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, as agreed between the United Nations and the Government of the Republic of Korea through the exchange of letters on 6 June 1978 in New York, shall be applicable in respect of the Session.

2. The personnel provided by the Government under article VI, 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.

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

4. Without prejudice to the preceding paragraphs of the present article, all participants in the Session, including those referred to in article VI and all those invited to the Session, shall be accorded maximum facilities and courtesies necessary for the independent exercise of their functions in connection with the Session.

5. The Government of the Republic of Korea will facilitate the entry into or exit from the Republic of Korea of all participants invited by the United Nations. Visas and entry permits, where required, will be granted as speedily as possible and free of charge.

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

7. All persons referred to in article II, above, shall have the right to take out of the Republic of Korea at the time of their departure, any unexpended portions of the funds they brought in to the Republic of Korea in connection with the Session and to reconvert any such funds at the rate of exchange in force at the date of reconversion.

8. The Government shall allow the temporary importation, tax-free 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 provided that such equipment is re-exported. It shall issue without delay any necessary import and export permits for this purpose.

- (e) Exchange of letters constituting an agreement between the United Nations and the Government of India concerning the United Nations/European Space Agency Workshop on Basic Space Science for the Benefit of Developing Countries,<sup>11</sup> to be held at Bangalore, India, from 30 April to 3 May 1991. New York, 30 January and 24 April 1991

## I

### LETTER FROM THE UNITED NATIONS

30 January 1991

...

On behalf of the United Nations, I should be grateful to receive your Government's acceptance of the following arrangements regarding the services to be provided for the Workshop.

...

#### D. *The Convention on the Privileges and Immunities*

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

1. (a) The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Workshop. 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 Workshop shall enjoy the privileges and immunities provided under articles V and VII of the Convention. Officials of the specialized agencies participating in the Workshop shall be accorded the privileges and immunities provided under articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies;

(b) 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 Workshop shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Workshop;

(c) 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 Workshop.

2. All participants and all persons performing functions in connection with the Workshop shall have the right of unimpeded entry into and exit from India. 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.

3. 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 to person or damage to property in conference or office premises provided for the Workshop; (ii) the transportation provided by your Government; and (iii) the employment for the Workshop 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 that the injury or damage is attributable to gross negligence or wilful misconduct on the part of the United Nations or its personnel.

...

I further propose that upon receipt of your confirmation in writing of the above, this exchange of letters shall constitute a memorandum of understanding between the United Nations and the Government of India in respect of this Workshop.

*(Signed) Vasiliy S. SAFRONCHUK  
Under-Secretary-General for  
Political and Security Council Affairs*

## II

### LETTER FROM THE PERMANENT REPRESENTATIVE OF INDIA TO THE UNITED NATIONS

24 April 1991

I have the honour to acknowledge the receipt of your letter dated 30 January 1991, which reads as follows:

[See letter I]

I have further the honour to confirm, on behalf of the Government of the Republic of India, the foregoing arrangement and to agree that your letter and this letter shall be regarded as constituting a memorandum of understanding between the Government of the Republic of India and the United Nations, and will come into force on the date of this reply.

*(Signed) C. R. GHAREKHAN  
Permanent Representative*

- (f) Exchange of letters constituting an agreement between the United Nations and the Government of Canada on arrangements for the Eighth United Nations North American Regional NGO Symposium on the Question of Palestine,<sup>12</sup> to be held at Montreal from 28 to 30 June 1991. New York, 24 April 1991

I

LETTER FROM THE UNITED NATIONS

24 April 1991

...

With the present letter of understanding, I have the honour to propose to your Government that the following terms should apply to the Symposium:

- (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, will be applicable in respect of the Symposium. The representatives of Member States invited by the United Nations to participate in the Symposium will enjoy the privileges and immunities accorded by article IV of the Convention and all other participants invited by the United Nations will 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 Symposium will enjoy the privileges and immunities provided under articles V and VII of the Convention and all other participants invited by the United Nations, including officials of specialized agencies, will be covered as experts on mission;
- (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 Symposium will enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Symposium;
- (iii) Locally employed personnel pursuant to this understanding will enjoy all facilities necessary for the independent exercise of their functions in connection with the Symposium;
- (iv) All participants and all United Nations officials performing functions in connection with the Symposium will have the right of unimpeded entry into and exit from Canada. Visas and entry permits, where required, will be granted promptly upon application and free of charge;
- (v) It is further understood that the Government of Canada will be responsible for dealing with any action, claim or other demand

against the United Nations arising out of injury to person or damage of property in conference or office premises provided for the Symposium. The Government will 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 that the claim or liability arises from the gross negligence or wilful misconduct on the part of the United Nations and its personnel;

...

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 will constitute an understanding between the Government of Canada and the United Nations concerning the arrangements for the Symposium.

*(Signed) Ronald I. SPIERS  
Under-Secretary-General for  
Political and General Assembly Affairs  
and Secretariat Services*

## II

### LETTER FROM THE PERMANENT MISSION OF CANADA TO THE UNITED NATIONS

24 April 1991

On behalf of His Excellency Mr. L. Yves Fortier, Permanent Representative of Canada to the United Nations, I have the honour to acknowledge receipt of your letter dated 24 April 1991 in which you proposed arrangements relating to the holding in Montreal, from 28 to 30 June, of the Eighth United Nations North American Regional NGO Symposium on the Question of Palestine.

I wish hereby to inform you of the concurrence of the Government of Canada with the proposed arrangements contained in your letter and to confirm that your letter and the present letter in reply will constitute an understanding between the Government of Canada and the United Nations concerning the arrangements for the Symposium.

*(Signed) Philippe KIRSCH, Q.C.  
Chargé d'Affaires a.i.*

- (g) Exchange of letters constituting an agreement between the United Nations and the Government of Cameroon concerning arrangements for the United Nations Workshop on Conflict Resolution, Crisis Prevention and Management and Confidence-building,<sup>13</sup> to be held at Yaoundé from 17 to 21 June 1991. New York, 8 and 25 April 1991

## I

### LETTER FROM THE UNITED NATIONS

8 April 1991

...

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. 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 Workshop 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 Workshop shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Workshop.
- (iii) Personnel provided by the Government of the Republic of Cameroon 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 Workshop.
- (b) All participants and all other persons performing functions in connection with the Workshop shall have the right of unimpeded entry into and exit from the Republic of Cameroon. Visas and entry permits, where required, shall be granted free of charge and as speedily as possible;
- (c) It is further understood that your Government will be responsible for dealing with any action, claim or other demand against the United Nations and its personnel arising out of: (i) injury to person or damage to property in the Workshop or office premises provided for the Workshop; (ii) the transportation provided by your Government; and (iii) the employment for the Workshop of personnel provided or arranged by your Gov-

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

...

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

*(Signed) Yasushi AKASHI  
Under-Secretary-General for  
Disarmament Affairs*

## II

### LETTER FROM THE PERMANENT MISSION OF CAMEROON TO THE UNITED NATIONS

25 April 1991

The Permanent Mission of the Republic of Cameroon to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform him, and through him the Department for Disarmament Affairs, that the terms of the agreement proposed in his note dated 8 April 1991 give no grounds for objection by the Cameroonian authorities, which welcome them.

The Permanent Mission thanks the Secretary-General for the constant efforts he has made to ensure the smooth running of the seminar due to be held at Yaoundé from 17 to 21 June 1991 . . .

- (h) Agreement between the United Nations and the Government of Denmark regarding arrangements for the seventeenth session of the World Food Council<sup>14</sup> [to be held at Helsingor from 5 to 8 June 1991]. Signed at Copenhagen on 10 and 16 May 1991

### *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 referred to in article II (a) 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 (b), (d) and (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.

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 (c), 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 session and all experts on mission for the United Nations in connection with the session shall have the right of entry into and exit from Denmark, and no impediment shall be imposed on their transit to and from the conference 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 no 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 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 Denmark at the time of their departure, without any restrictions, any unexpended portions of the funds they brought into Denmark 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.

- (i) Exchange of letters constituting an agreement between the United Nations and the Government of Iraq on the status, privileges and immunities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991).<sup>15</sup> New York, 6 May 1991, and Baghdad, 17 May 1991

## I

### LETTER FROM THE UNITED NATIONS

6 May 1991

I have the honour to refer to the letter dated 19 April 1991 from the President of the Security Council (S/22509) in which he informed me of the concurrence of the members of the Security Council with my proposals, made pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), on the forming of a Special Commission to carry out the tasks enumerated in paragraphs 9 (b) (i)-(iii), 10 and 13 of the above-mentioned resolution. These proposals are contained in my report to the Security Council dated 18 April 1991 (S/22508).

In order to facilitate the fulfilment of the purposes of the Special Commission, I propose that your Government, in implementation of its obligations under Article 105 of the Charter of the United Nations, extend to the Special Commission, its property, funds and assets the provisions of the Convention on the Privileges and Immunities of the United Nations (the Convention), to which Iraq acceded on 15 September 1949. In view of the importance of the functions which the Special Commission shall perform in Iraq, I propose in particular that your Government extend to:

- The Executive Chairman, the Deputy Executive Chairman and other members of the Special Commission whose names shall be communicated to the Government, the privileges and immunities, exemptions and facilities which are enjoyed by diplomatic envoys in accordance with international law;
- The officials of the United Nations, any of the specialized agencies of the United Nations or of the International Atomic Energy Agency performing functions in connection with Security Council resolution 687 (1991), the privileges and immunities applicable to them under articles V and VII of the Convention or articles VI and VIII of the Convention on the Privileges and Immunities of the

Specialized Agencies,<sup>16</sup> to which Iraq acceded on 9 July 1954, or articles VI and IX of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency<sup>17</sup> (the Agreement), which Iraq accepted on 23 November 1960;

--The technical experts and other specialists whose names shall be communicated to the Government, the privileges and immunities accorded to experts performing missions for the United Nations, its specialized agencies or for the International Atomic Energy Agency under article VI of the Convention, the relevant annexes to the Convention on the Privileges and Immunities of the Specialized Agencies and article VII of the Agreement, respectively.

The privileges and immunities necessary for the fulfilment of the functions of the Special Commission shall also include:

- (i) Unrestricted freedom of entry and exit without delay or hindrance of its personnel, property, supplies, equipment, spare parts and other items as well as means of transport, including expeditious issuance of entry and exit visas;
- (ii) Unrestricted freedom of movement without advance notice within Iraq of the personnel of the Special Commission and its equipment and means of transport;
- (iii) The right to unimpeded access to any site or facility for the purpose of the on-site inspection pursuant to paragraph 9 of resolution 687 (1991), whether such site or facility be above or below ground. The Executive Chairman of the Special Commission or the Director-General of the International Atomic Energy Agency shall make arrangements to inform Iraq regarding the commencement of an inspection of a location declared by Iraq pursuant to paragraphs 9 or 12 of Security Council resolution 687 (1991) or designated by the Special Commission, identify the site being inspected and provide Iraq with the name of the head of the inspection team (the Chief Inspector) and an estimate of the number of the Special Commission members that will take part in the inspection. The Chief Inspector shall be the official point of contact between Iraq and the Special Commission and/or the International Atomic Energy Agency during the course of an inspection. Upon receipt of the name of the Chief Inspector for an inspection, Iraq shall immediately inform the Executive Chairman of the Special Commission, or the Director-General of the International Atomic Energy Agency, as the case may be, of the name of the individual who will be the Iraqi Inspection Representative for the inspection. Any number of sites, facilities, or locations may be subject to inspection simultaneously;
- (iv) The right to request, receive, examine and copy any record, data or information or examine, retain, move or photograph, including videotape, any item relevant to the Special Commission's activities and to conduct interviews;

- (v) The right to designate any site whatsoever for observation, inspection or other monitoring activity and for storage, destruction or rendering harmless items described in paragraphs 8, 9 or 12 of Security Council resolution 687 (1991);
- (vi) The right to install equipment or construct facilities for observation, inspection, testing or monitoring activity and for storage, destruction or rendering harmless items described in paragraphs 8, 9 or 12 of Security Council resolution 687 (1991);
- (vii) The right to take photographs, whether from the ground or from the air, relevant to the Special Commission's activities;
- (viii) The right to take and analyse samples of any kind as well as to remove and export samples for off-site analysis;
- (ix) The right to fly the United Nations flag on United Nations premises and its vehicles;
- (x) Acceptance of United Nations registration of means of transport on land, sea and in the air and United Nations licensing of the operators thereof;
- (xi) The right to unrestricted communication by radio, satellite or other forms of communication and to connect with the United Nations radio and satellite network, as well as by telephone, telegraph or other means;
- (xii) The right to make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of the Special Commission. The Government of Iraq shall be informed of the nature of such arrangements, and shall not interfere with or apply censorship to the mail of the Special Commission or its members.

It is understood that the Government of Iraq shall provide at no cost to the United Nations, in agreement with the Executive Chairman of the Special Commission, all such premises as may be necessary for the accommodation and fulfilment of the functions of the Special Commission. All such premises shall be inviolable and subject to the exclusive control and authority of the Executive Chairman of the Special Commission.

Without prejudice to the use by the Special Commission of its own means of transport and communication, it is understood that your Government shall, where necessary and upon the request of the Special Commission, provide, at its own expense, the means of transport and communication for official use of the Special Commission.

Without prejudice to the use by the Special Commission of its own security, it is expected that the Government of Iraq shall ensure the security and safety of the Special Commission and its personnel and shall further provide the Special Commission, where necessary and upon request of the Special Commission, with maps and other information which may be useful in facilitating its tasks and movements. Upon the request of the Executive Chairman, escort and/or support personnel shall be provided to protect and assist the Special Commission and its personnel

during the exercise of the functions of the special Commission when in their opinion such personnel is necessary.

If the above provisions meet with your approval, I would propose that this letter and your reply thereto constitute an agreement between the United Nations and Iraq to take effect as of the date of the arrival of the first element of the Special Commission in Iraq, which shall be confirmed to you.

(Signed) Javier PÉREZ DE CUÉLLAR  
*Secretary-General*

## II

### LETTER FROM THE MINISTRY OF FOREIGN AFFAIRS OF IRAQ

17 May 1991

With reference to your letter dated 6 May 1991 addressed to us, which formulates a proposal for an exchange of letters constituting an agreement between the United Nations and the Iraqi Government concerning the status, privileges and immunities of the Special Commission established in accordance with paragraph 9 of Security Council resolution 687 (1991), I have the honour to notify you that the Iraqi Government concurs with the provisions set forth in your proposal.

(Signed) Ahmed HUSSEIN  
*Minister for Foreign Affairs*

- (j) Exchange of letters constituting an agreement between the United Nations and the Austrian Federal Government concerning the thirty-fourth session of the Committee on the Peaceful Uses of Outer Space,<sup>18</sup> to be held at Graz, Austria, from 27 May to 7 June 1991. New York, 3 April and 23 May 1991

## I

### LETTER FROM THE UNITED NATIONS

3 April 1991

...

Furthermore, I wish to propose that the following terms, previously applied by the United Nations to similar events in the past, shall also apply to the meeting of the Committee on the Peaceful Uses of Outer Space:

(a) In accordance with paragraph (1) of article I of the Agreement between the United Nations and the Republic of Austria regarding the headquarters seat of the United Nations Industrial Development Organization and other United Nations offices at the Vienna International Centre, signed on 19 January 1981,<sup>19</sup> the provisions of the Headquarters

Agreement for UNIDO, signed on 13 April 1967,<sup>20</sup> shall apply *mutatis mutandis* to the thirty-fourth session of the Committee on the Peaceful Uses of Outer Space. The Convention on the Privileges and Immunities of the United Nations shall also be applicable in respect to the meeting of the Committee;

- (b) (i) The representatives of States members of the Committee on the Peaceful Uses of Outer Space and the observers of States not members of the Committee invited by the United Nations shall enjoy the privileges and immunities provided under section 23, article XI, of the Headquarters Agreement for UNIDO. Officials of the United Nations participating in or performing functions in connection with the meeting of the Committee shall enjoy the privileges and immunities provided under articles V and VII of the Convention on the Privileges and Immunities of the United Nations. Officials of the specialized agencies participating in the meeting of the Committee shall be accorded the privileges and immunities provided under articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies. The observers of interested intergovernmental and non-governmental organizations 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 meeting of the Committee;
- (ii) Local personnel provided by the Government of Austria, 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 any act performed by them in their official capacity in connection with the meeting of the Committee. Such immunity shall, however, not apply in case of an accident caused by vehicle, vessel or aircraft;

(c) All participants and all persons performing functions in connection with the meeting of the Committee shall have the right of unimpeded entry into and exit from Austria. Visas and entry permits, where required, shall be granted free of charge and as promptly as possible;

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

- (i) Injury to persons or damage to or loss of property in the premises that are provided by or are under the control of the Government of Austria;
- (ii) The transportation provided by your Government;
- (iii) The employment for the meeting of the Committee of local personnel provided by the Government of Austria; and your Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand;

...

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

*(Signed) Vasily S. SAFRONCHUK  
Under-Secretary-General  
Department of Political and  
Security Council Affairs*

## II

### LETTER FROM THE PERMANENT REPRESENTATIVE OF AUSTRIA TO THE UNITED NATIONS

23 May 1991

I have the honour to acknowledge receipt of your letter of 3 April 1990, which reads as follows:

[See letter I]

I have the honour to confirm that your letter and my answer constitute an agreement between the Austrian Federal Government and the United Nations which enters into force on the date of this reply and shall remain in force for the duration of the meeting and for such time thereafter as is necessary for the complete execution of the provisions of this agreement.

*(Signed) Peter HOHENFELLNER*

- (k) Exchange of letters constituting an agreement between the United Nations and the Government of Spain on the Third United Nations/FAO/European Space Agency Workshop on Microwave Remote Sensing Technology, organized with the cooperation of the Government of Spain,<sup>21</sup> to be held at Maspalomas, Canary Islands, Spain, from 10 to 14 June 1991. New York, 21 May and 7 June 1991

## I

### LETTER FROM THE UNITED NATIONS

21 May 1991

...

On behalf of the United Nations, I propose the following arrangements regarding the services to be provided by Spain and the United Nations for the Workshop.

...

D. *The Convention on the Privileges and Immunities*

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

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946, to which Spain is a party, shall be applicable in respect of the Workshop. Articles V, VI and VII of the Convention shall be applicable as appropriate to the participants in the Workshop.

2. Without prejudice to the provisions of the Convention referred to in paragraph 1 above, all persons participating in this Workshop shall enjoy such facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Workshop.

3. All participants and all persons performing functions in connection with the Workshop shall have the right of unimpeded entry into and exit from Spain. In the cases where visas and entry permits are preceptive, these will be granted free of charge and as promptly as possible.

4. Meeting rooms, offices, facilities and vehicles made available for the Workshop shall be considered premises of the United Nations for the duration of the Workshop, within the meaning of section 3, article II, of the Convention of 13 February 1946.

5. The authorities will be informed in a timely fashion of the conduct of the Workshop for the adequate provision of security of the same.

6. It is understood that the cost of insurance to be purchased, as referred to in section A, paragraph 4, above, is not to exceed US\$3,000 of reasonable insurance coverage against liability incurred by the United Nations with respect to the following risks:

(a) Injury to person or damage or loss of property (of the United Nations or otherwise) in the meeting areas of the Workshop;

...

For the timely necessary actions, I should be grateful if you would confirm your concurrence with the terms of this letter.

*(Signed) Vasily S. SAFRONCHUK  
Under-Secretary-General for Political  
and Security Council Affairs*

II

LETTER FROM THE PERMANENT REPRESENTATIVE OF SPAIN  
TO THE UNITED NATIONS

7 June 1991

I have the honour to acknowledge receipt of your note of 21 May 1991 concerning the holding at Maspalomas, Canary Islands, from 10 to 14 June 1991 of the Third Workshop on Microwave Remote Sensing Technology, organized jointly by the United Nations, the Food and Agriculture Organ-

ization of the United Nations and the European Space Agency in cooperation with the Government of Spain.

In response to the said note, I am pleased to inform you of my Government's agreement with the arrangements proposed therein for the holding of the aforementioned Workshop.

(Signed) Juan Antonio YÁÑEZ-BARNUEVO

- (1) Exchange of letters constituting an agreement between the United Nations and the Government of Iraq concerning the status, privileges and immunities of the United Nations Iraq-Kuwait Observation Mission.<sup>22</sup> New York, 15 April 1992, and Baghdad, 20 June 1992

## I

### LETTER FROM THE UNITED NATIONS

15 April 1992

I have the honour to refer to paragraph 5 of resolution 687 (1991) of 3 April 1991, by which the United Nations Security Council established a demilitarized zone along the boundary between Iraq and Kuwait and decided to set up, under its authority, a United Nations observer unit called the "United Nations Iraq-Kuwait Observation Mission" (hereinafter referred to as "UNIKOM") with the terms of reference as described in the report of the Secretary-General to the Security Council (S/22454 and Add.1-3), which was approved by the Security Council in its resolution 689 (1991) of 9 April and accepted by your Government.

In order to facilitate the fulfilment of UNIKOM's purposes without delay and pending the conclusion of a full-scale agreement on the status of UNIKOM and its personnel, I propose that your Government, in implementation of its obligations under Article 105 of the Charter of the United Nations, extend to UNIKOM, as an organ of the United Nations, its property, funds and assets and to its personnel the provisions of the Convention on the Privileges and Immunities of the United Nations (the Convention), to which Iraq acceded on 15 September 1949.

In view of the importance of the functions which UNIKOM will perform, I understand that:

The Chief Military Observer and high-ranking members of UNIKOM whose names shall be communicated to the Government will enjoy the privileges and immunities, exemptions and facilities which are granted to diplomatic envoys in accordance with international law;

Other officials of the United Nations Secretariat assigned to serve with UNIKOM shall enjoy the privileges and immunities to which they are entitled under articles V and VII of the Convention;

Other persons assigned to serve with UNIKOM, including the military observers, shall enjoy the privileges and immunities accorded to

experts performing missions for the United Nations under article VI of the Convention.

The privileges and immunities necessary for the fulfilment of the functions of UNKOM also include:

- (i) Unrestricted freedom of entry and exit without delay or hindrance of its personnel, property, supplies, equipment, spare parts and means of transport, including exemption from passport and visa regulations; notwithstanding the freedom of movement granted to UNIKOM and its personnel, large movements shall be coordinated with the Government, it being understood that the Government shall ensure that all facilities for such large movements shall be granted as speedily as possible;
- (ii) Unrestricted freedom of movement on land, sea and air, across the Iraq-Kuwait border and throughout the demilitarized zone, of UNIKOM personnel, property, supplies, equipment, spare parts and means of transport;
- (iii) The right to fly the United Nations flag on premises, observation posts, vehicles and aircraft;
- (iv) Acceptance of United Nations registration of means of transport on land, sea and in the air and United Nations licensing of the operators thereof;
- (v) The right to unrestricted communication by radio, satellite or any other forms of communication including coded messages within the area of operations and to connect with the United Nations radio and satellite network, as well as by telephone, telegraph or any other means;
- (vi) The right to make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of UNIKOM. The Government of Iraq shall be informed of the nature of such arrangements, and shall not interfere with or apply censorship to the mail of UNIKOM or its members.

It is understood that the Government of Iraq shall provide at no cost to the United Nations, by mutual agreement, all such land and premises as may be necessary for the accommodation and fulfilment of the functions of UNIKOM. All such land and premises shall be inviolable and subject to the exclusive control and authority of the United Nations.

It is also expected that the Government of Iraq shall provide UNIKOM, where necessary and upon request of the Chief Military Observer, with maps and other information including locations of minefields and other dangers and impediments, which might be useful in facilitating its tasks and movements subject to their availability to the Government. Upon the request of the Chief Military Observer, armed escorts shall be provided to protect UNIKOM personnel during the exercise of their functions in the demilitarized zone (DMZ) when in the opinion of the Chief Military Observer such escorts are necessary, in special situations.

I propose that this letter and the written confirmation of your acceptance of its provisions constitute an agreement between the United Nations and Iraq, to take effect from 15 April 1991.

*(Signed)* Boutros BOUTROS-GHALI  
*Secretary-General*

## II

### LETTER FROM THE MINISTRY OF FOREIGN AFFAIRS OF IRAQ

20 June 1992

I have the honour to acknowledge receipt of your letter of 15 April 1992 in which you propose that, in accordance with Article 105 of the Charter of the United Nations, my country should extend to the United Nations observation mission in the demilitarized zone, set up pursuant to the relevant paragraph of resolution 687 (1991), the status and the privileges and immunities provided for in the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946.

My Government will facilitate the tasks with which the United Nations mission has been charged, and I am therefore pleased to inform you that my Government agrees to extend to the United Nations Iraq-Kuwait Observation Mission (UNIKOM), in accordance with the terms of your above-mentioned letter, the privileges and immunities provided for in the Convention on the Privileges and Immunities of the United Nations, which was ratified by Iraq in its law No. 14 of 1949.

*(Signed)* Ahmed HUSSEIN  
*Minister for Foreign Affairs*

- (m) Agreement between the United Nations and the Government of the Islamic Republic of Iran regarding Arrangements for the Meeting of Ministers of Industry and Technology of the United Nations Economic and Social Commission for Asia and the Pacific<sup>23</sup> [to be held at Tehran from 24 February to 1 March 1992]. Signed at Bangkok on 27 June 1991

#### *Article X*

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

### *Article XI*

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, to which the Government of the Islamic Republic of Iran is a party, shall be applicable in respect of the Conference. In particular, the representatives of members and associate members of ESCAP and States Members of the United Nations referred to in article II, paragraph 1 (a) and (b), 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, paragraphs 1 (h) and 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 or observers referred to in article II, paragraph 1 (c), (e), (f) and (g), 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 (d), above, shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Specialized Agencies or the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, as appropriate.

5. Without prejudice to the preceding paragraphs of the present article, all 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 the Islamic Republic of Iran, 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 on arrival to participants who were unable to obtain them prior to their arrival. Exit permits, where required, shall be granted free of charge, as speedily as possible, and in any case not later than three days before the closing of the Conference.

7. For the purpose of the Convention on the Privileges and Immunities of the United Nations, the conference 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 the Islamic Republic of Iran at the time of their departure, without any restriction, any unexpended portions of the funds they brought into the Islamic Republic of Iran 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-free 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.

(n) Exchange of letters constituting an agreement between the United Nations and the Government of Mexico regarding the Regional Disarmament Workshop for Latin America and the Caribbean with Special Emphasis on Chemical Weapons,<sup>24</sup> to be held at Mexico City from 1 to 5 July 1991. New York, 28 June 1991

## I

### LETTER FROM THE UNITED NATIONS

28 June 1991

...

I should like to propose that the following terms, previously applied by the United Nations to similar events in the past, also apply to this Workshop:

- (a) (i) The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Workshop. 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 Workshop shall enjoy the privileges and immunities provided under article 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 who are not Mexican nationals performing functions in connection with the Workshop shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Workshop;
- (iii) Personnel who are not Mexican nationals, employed 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 Workshop;
- (b) All participants and persons performing functions in connection with the Workshop shall have the right of unimpeded entry into and exit from Mexico. Visas shall be granted free of charge and as speedily as possible. Visas shall be granted not later than three days from the receipt of the application;
- (c) The participants and the speakers in the Workshop, officials of the United Nations responsible for the organization of the Workshop and experts on mission for the United Nations in connection with the Workshop shall have the right to take out of Mexico at the time of their departure, without any restrictions, any unexpected portions of the funds they brought into Mexico in connection with the Workshop;
- (d) The Government shall allow the temporary importation, tax- and duty-free, of all equipment and shall waive import duties and taxes on supplies necessary for the Workshop. It shall issue without delay any necessary import and export permits for these purposes;
- (e) The Government shall be responsible for dealing with any action, claim or other demand against the United Nations or its officials arising out of:
- (i) Injury to person or damage to or loss of property in the conference premises;
- (ii) Injury to person or damage to or loss of property caused by, or incurred in using the transport services;
- (iii) The employment for the Workshop of personnel provided by the Government;

(f) The Government shall indemnify and hold harmless the United Nations and its personnel in respect of any such action, claim or other demand, except if it is agreed by the Parties hereto that such injury, loss or damage was caused by gross negligence or wilful misconduct of United Nations personnel;

(g) 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 be settled through negotiation and consultation.

I further propose that, upon receipt of your affirmative answer in writing to the above, this exchange of letters shall constitute an agreement between the United Nations and the Government of Mexico regarding the Regional Disarmament Workshop for Latin America and the Caribbean with Special Emphasis on Chemical Weapons, organized by the United Nations in Mexico, and further that the agreement shall remain in force for the duration of the Workshop and for such time thereafter as is necessary for the complete execution of the provisions of this agreement.

*(Signed) Yasushi AKASHI  
Under-Secretary-General for  
Disarmament Affairs*

## II

### LETTER FROM THE PERMANENT MISSION OF MEXICO TO THE UNITED NATIONS

28 June 1991

With reference to your note dated 28 June 1991, I have the honour to inform you that the Government of Mexico accepts the terms of your proposal concerning the privileges and immunities to be granted to participants in the Regional Disarmament Workshop for Latin America and the Caribbean with Special Emphasis on Chemical Weapons, to be held at Mexico City from 1 to 5 July 1991 under the auspices of the Department for Disarmament Affairs.

*(Signed) Antonio VILLEGAS  
Permanent Representative*

- (o) Exchange of letters constituting an agreement between the United Nations and the Government of El Salvador concerning the United Nations Observer Mission in El Salvador for the purpose of verifying the observance of human rights in El Salvador in accordance with the Agreement on Human Rights signed at San José on 26 July 1990 between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional.<sup>25</sup> New York, 16 July and 9 August 1991, and San Salvador, 23 July 1991

I

LETTER FROM THE UNITED NATIONS<sup>26</sup>

16 July 1991

I have the honour to refer to United Nations Security Council resolution 693 (1991) of 20 May 1991, in which the Council decided to establish, under its authority, a United Nations Observer Mission in El Salvador (hereinafter referred to as "ONUSAL" or "the Mission"), for the purpose of verifying the observance of human rights in El Salvador, in accordance with the Agreement on Human Rights signed at San José on 26 July 1990 between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional<sup>27</sup> and as stated in the report of the Secretary-General to the Security Council (S/22494 and Corr.1 and Add.1), which was approved by the Council in the same resolution. The Security Council instructed the Secretary-General to take the necessary measures to implement its decision to establish the Mission in accordance with resolution 693 (1991) and the aforementioned report. At such time as it shall be established, the Mission will assume the functions of the existing Preparatory Office of the United Nations Mission in El Salvador.

To further the purposes of the Mission, I propose that your Government, in fulfilment of its obligations under Article 105 of the Charter of the United Nations, accord to the Mission in its capacity as a United Nations body, to its property, funds and assets and to the members of its staff, those privileges and immunities set out in the Convention on the Privileges and Immunities of the United Nations, to which El Salvador acceded on 9 July 1947. In view of the special importance of the duties to be performed by the Mission in El Salvador, I propose that your Government accord:

- To the Special Representative appointed by the Secretary-General and to the Directors and other senior members of the Mission, those privileges and immunities, exemptions and facilities enjoyed by diplomatic envoys in accordance with international law;
- To the staff members of the United Nations Secretariat assigned to the Mission, those privileges and immunities to which they are entitled under articles V and VII of the Convention;
- To other persons assigned to the Mission, and to military and civilian support staff, those privileges and immunities enjoyed by

experts on missions for the United Nations, under article VI of the Convention.

Accordingly, the names of the persons comprising these three categories shall be furnished to your Government.

Furthermore, and with a view to fulfilling the purposes of the Agreement on Human Rights concluded in San José on 26 July 1990, and any other agreements that may be concluded during the negotiations between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional conducted under the good offices of the Secretary-General of the United Nations, the Mission shall, for the fulfilment of its purposes, possess the following powers:

- (i) The freedom to bring in or take out, without delay or interference, goods, supplies, equipment and spare parts;
- (ii) Unrestricted freedom of movement throughout the country of staff, equipment and means of transport;
- (iii) The right to interview, freely or in private, any individual in any region of El Salvador, and to receive communications from any individual, group of individuals or body in El Salvador, as well as the right to hold meetings;
- (iv) The right to visit or investigate freely and without prior notice any place or establishment, including, *inter alia*, detention centres, prisons, State security bodies and military units;
- (v) The right to collect such information as it considers relevant by any legal means it deems appropriate;
- (vi) The right to use the media for the dissemination of information about the work of the Mission;
- (vii) The right to make recommendations to the parties to the San José Agreement on the basis of any conclusions it has drawn from the cases and situations examined;
- (viii) The right to fly the United Nations flag, and to use its emblems and symbols, on the premises of the United Nations, including its regional and subregional offices, and its vehicles, aircraft and ships;
- (ix) The right to use United Nations licence plates and markings on vehicles, aircraft and ships, and to use driver's licences issued by the United Nations;
- (x) The right to communicate, without restriction, by radio, satellite or any other means, with United Nations Headquarters, as well as with the regional and subregional offices, to establish links with the United Nations radio and satellite network, and to communicate by telephone, telegraph or any other means;
- (xi) The right to make arrangements, through its own offices, for the handling and dispatch of private correspondence received or sent by the staff of the Mission. The Government of El Salvador will be informed of the nature of those arrangements,

and will not intercept or censor the correspondence of the Mission or of its staff.

...

If the provisions set forth herewith meet with your approval, I propose that this letter and your reply shall constitute an agreement between the United Nations and the Republic of El Salvador, which shall enter into force on the date of arrival of the first component of ONUSAL in El Salvador, of which I will inform you.

(Signed) Javier PÉREZ DE CUÉLLAR  
*Secretary-General*

## II

### LETTER FROM THE MINISTRY OF FOREIGN AFFAIRS OF EL SALVADOR<sup>26</sup>

23 July 1991

I have the honour to refer to your note of 16 July 1991, in which you propose the text of the agreement to be entered into by the United Nations and the Government of El Salvador in connection with the constitution of the United Nations Observer Mission in El Salvador, also referred to as "ONUSAL" or "the Mission", whose task it will be to verify observance of human rights in accordance with the Agreement on Human Rights signed at San José, Costa Rica, on 26 July 1990, between my Government and the Frente Farabundo Martí para la Liberación Nacional. The text of your letter reads as follows:

[See letter I]

In this regard, I wish to inform you that my Government agrees with the aforementioned text, provided that a paragraph is added at the end reading as follows:

"It is understood that, in the performance of their duties under the San José Agreement, the ONUSAL officials will carry out their activities with due respect for the Constitution, the laws, the State institutions and officials of the Republic of El Salvador."

If you agree with this amendment, I propose that this note and another note from you accepting the proposed amendment shall constitute an agreement between the United Nations and the Republic of El Salvador, which will enter into force on the date of arrival in El Salvador of the first ONUSAL component.

(Signed) José Manuel PACAS CASTRO  
*Minister for Foreign Affairs*

### III

#### LETTER FROM THE UNITED NATIONS

9 August 1991

I have the honour to refer to your letter of 23 July 1991 replying to my letter of 16 July 1991, in which you confirm that your Government accepts the text proposed in my previous letter regarding the status of ONUSAL and its staff, and in which you inform me that your Government wishes to add the following paragraph:

“It is understood that, in the performance of their duties under the San José Agreement, the ONUSAL officials will carry out their activities with due respect for the Constitution, the laws, the State institutions and officials of the Republic of El Salvador.”

In this regard, I wish to confirm that the text you propose seems acceptable. Consequently, this letter, as well as the letters exchanged between us, dated 16 and 23 July 1991 respectively, shall constitute an agreement between the United Nations and El Salvador regarding the status of ONUSAL and the privileges and immunities of its staff. This agreement shall enter into force on the date of arrival in El Salvador of the first component of ONUSAL.

(Signed) Javier PÉREZ DE CUÉLLAR

- (p) Exchange of letters constituting an agreement between the United Nations, the Government of Denmark and the Greenland Home Rule Government concerning a meeting of experts to review the experience of countries in the operation of schemes of internal self-government for indigenous populations,<sup>28</sup> to be held at Nuuk, Greenland, from 24 to 28 September 1991. Geneva, 2 July and 9 August 1991

### I

#### LETTER FROM THE UNITED NATIONS

2 July 1991

...

Please find below the text of the arrangements between the United Nations and the Government of Denmark as well as the Greenland Home Rule Government concerning that meeting.

...

5. The Greenland Home Rule Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of: (i) injury to person or damage to property in conference or office premises provided for the meeting; (ii) the transportation provided by the Government; and (iii) the employment for the meeting of personnel

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

6. The Government of Denmark agrees that the Convention of 13 February 1946 on the Privileges and Immunities of the United Nations, to which Denmark is a party, shall be applicable to the meeting, in particular:

(a) The participants invited in accordance with paragraphs 1 and 2 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;

(b) 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;

(c) Personnel provided by the Home Rule Government of Greenland 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 Meeting;

...

Upon receipt of letters expressing the concurrence of the Government of Denmark and of the Greenland Home Rule Government with the above, the present letter and the replies thereto shall constitute an agreement between the United Nations, the Government of Denmark and the Greenland Home Rule Government.

(Signed) Jan MARTENSON  
Director-General  
United Nations Office at Geneva

## II

### LETTER FROM THE PERMANENT MISSION OF DENMARK TO THE UNITED NATIONS OFFICE AT GENEVA

9 August 1991

I have the honour to acknowledge receipt of your letter of 2 July 1991 in which you propose a text of arrangements between the United Nations, the Government of Denmark and the Greenland Home Rule Government concerning a meeting of experts to review the experience of countries in the operation of schemes of internal self-government for indigenous populations, in Nuuk, from 24 to 28 September 1991.

It is the understanding of the Government of Denmark and the Greenland Home Rule Government that the Greenland Home Rule Government is obliged to cover those extra costs which occur by having the meeting in Nuuk instead of Geneva. Therefore, it is expected that the United Nations for the interpreters in question will make use of its own staff and also pay their regular salary (except for the two interpreters for Greenlandic) and that the Greenland Home Rule Government cover the extra costs such as travel and per diem.

In reply to your letter, I have the honour to state that the Government of Denmark as well as the Greenland Home Rule Government, with the above-mentioned understanding, accept your proposal and agree that your letter and the present reply shall constitute an agreement between the United Nations, the Government of Denmark and the Greenland Home Rule Government.

*(Signed) Jakob Esper LARSEN  
Permanent Representative to the  
United Nations Office at Geneva*

- (q) Agreement between the Secretary-General of the United Nations and Namibia concerning the United Nations Information Centre in Namibia. Signed at New York on 21 August 1991<sup>29</sup>

### *Article III*

#### STATUS OF THE CENTRE

1. The premises of the Centre and the residence of its Director shall be inviolable.
2. The Government shall exercise due diligence to ensure the security and protection of the premises of the Centre and its staff.
3. The appropriate Namibian authorities shall make every possible effort to secure, upon the request of the Director of the Centre, the public services needed by the Centre, including, without limitation by reason of this enumeration, postal, telephone and telegraph services and power, water and fire protection services. Such public services shall be supplied on equitable terms.

### *Article V*

#### OFFICIALS OF THE CENTRE

1. Officials of the Centre shall:
  - (a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
  - (b) Be immune from seizure of their personal and official baggage;

(c) Be immune from inspection of official baggage, and if the person is the Director of the Centre, be immune from inspection of personal baggage;

(d) Be exempt from taxation on the salaries and all other remuneration paid to them by the United Nations;

(e) Be immune from national service obligations;

(f) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registrations;

(g) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to Namibia;

(h) Be given, together with their spouses and relatives dependent on them and other members of their household, the same repatriation facilities in time of international crisis as diplomatic envoys;

(i) Have the right to import free of duty their furniture, personal effects and all household appliances, including one automobile, intended for personal use free of duty when they come to reside in Namibia, which privilege shall be valid for a period of one year from the date of arrival in Namibia. It is further understood that customs and excise duties will become payable in the event of the sale or disposal of such goods within three years after their importation to a person not entitled to this exemption.

2. Officials of the Centre, except those who are locally recruited staff in the General Service or related categories, shall furthermore enjoy the following privileges and immunities:

(a) Have the right to import free of customs and excise duties limited quantities of certain articles intended for personal consumption (food products, beverages, etc.) in accordance with a list to be approved by the Government;

(b) Have the right, once every three years, to import one motor vehicle free of customs and excise duties, including value-added taxes, it being understood that permission to sell or dispose of the vehicle in the open market will normally be granted two years after its importation only. It is further understood that customs and excise duties will become payable in the event of the sale or disposal of such vehicle within three years after its importation to a person not entitled to this exemption.

3. In addition to the immunities and privileges specified in paragraphs 1 and 2 above, the Director of the Centre shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law. His name shall be included in the List of International Organizations and Offices in Windhoek issued by the Namibia Ministry of Foreign Affairs.

4. The terms and conditions of employment for locally recruited personnel shall be in accordance with the relevant United Nations regulations and rules.

5. The privileges and immunities under 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.

- (r) Exchange of letters constituting an agreement between the United Nations and the Government of Morocco concerning the United Nations Mission for the Referendum in Western Sahara.<sup>30</sup> New York, 13 December 1991, and Rabat, 15 January 1992

## I

### LETTER FROM THE UNITED NATIONS<sup>31</sup>

13 December 1991

I have the honour to refer to Security Council resolution 690 (1991), by which the Council decided to establish, under its authority, a United Nations Mission for the Referendum in Western Sahara (hereinafter referred to as "MINURSO"), whose mandate is set forth in the report of the Secretary-General (S/22464 and Corr.1), which was approved by the Council on 29 April 1991.

In order to enable MINURSO to fulfil its mandate without delay, and pending the conclusion of a comprehensive and detailed agreement on the status of MINURSO and its personnel, I propose, in pursuance of Article 105 of the Charter of the United Nations, that your Government should accord to MINURSO, as a body of the United Nations, as well as to its property, funds, assets and personnel, the privileges and immunities provided for in the Convention on the Privileges and Immunities of the United Nations, to which Morocco acceded on 18 March 1957.

Accordingly, I propose that your Government should grant:

- The privileges and immunities, exceptions and facilities enjoyed by diplomatic envoys in accordance with international law to the Special Representative, Deputy Special Representative and other high-ranking officials of MINURSO;
- The privileges and immunities set forth in articles V and VII of the Convention to officials of the United Nations Secretariat assigned to MINURSO;
- The privileges and immunities accorded to experts on missions for the United Nations under article VI of the Convention to officials of MINURSO, including the military observers and civilian support staff, whose names will be communicated to the Government for that purpose.

The privileges and immunities required by MINURSO for the exercise of its functions shall also include:

- (i) The free entry and exit without restrictions, delays or obstacles of its personnel, property, furniture, equipment, spare parts and

vehicles, including the prompt issuance of entry and exit visas on the understanding that only the Special Representative and MINURSO officials in possession of appropriate United Nations identification who receive instructions to that effect from the Special Representative are entitled to enter and stay in the mission area and go out again;

- (ii) The free movement without restrictions of its property, furniture, equipment, spare parts and vehicles, by land, air and sea, bearing in mind the provisions of (i) above;
- (iii) The right to display the United Nations flag in the premises and observation posts used in connection with its duties in the mission area, as well as on its vehicles and aircraft;
- (iv) Recognition of vehicles, aircraft and vessels registered by the United Nations as well as drivers' and pilots' licences it has issued;
- (v) The unrestricted right to communicate by radio, satellite or any other type of communication, including coded messages within the area of operations, and to link up with the United Nations satellite and radio network, as well as by telephone, telegraph or any other means. MINURSO shall enjoy the communication facilities specified in article III of the Convention in the exercise of the functions laid down by the Security Council in its resolution 690 (1991);
- (vi) The right to make the necessary arrangements for its own system of sorting and distributing personal correspondence addressed to or sent by MINURSO officials. The Government of Morocco has been notified of the nature of the arrangements and shall not impede or apply censorship to correspondence from MINURSO or its staff.

It is understood that the Government of Morocco shall provide, at no cost to the United Nations and in agreement with the Special Representative, the land and premises required for the exercise of MINURSO's functions and the accommodation of its staff. All the land and premises shall be inviolable and under the exclusive authority and supervision of the United Nations.

...

MINURSO and its staff shall be under obligation to refrain from any acts or activities which are incompatible with the impartial and international character of their functions or contrary to the spirit of this Agreement. The Special Representative shall take the necessary steps to ensure that those obligations are fulfilled.

The Government of Morocco undertakes to respect the exclusively international status of MINURSO.

If you should agree to these provisions, I propose that this letter and the written confirmation of your acceptance should constitute an agreement between the United Nations and Morocco, which shall enter into

force on the date of the arrival of the first MINURSO unit at the designated premises required to conduct MINURSO operations in the mission area.

(Signed) Javier PÉREZ DE CUÉLLAR  
*Secretary-General*

## II

### LETTER FROM THE MINISTRY OF FOREIGN AFFAIRS AND COOPERATION OF THE KINGDOM OF MOROCCO<sup>31</sup>

15 January 1992

I have the honour to acknowledge receipt today of your letter dated 13 December 1991, which reads as follows:

[See letter I]

I have the honour to confirm to you the agreement of the Moroccan Government with the above.

(Signed) Abdellatif FILALI  
*Minister for Foreign Affairs  
and Cooperation*

- (s) Exchange of letters constituting a memorandum of understanding between the United Nations and the Government of China on the United Nations/ESCAP/UNDRO Workshop on the Application of Space Techniques to Combat Natural Disasters,<sup>32</sup> to be held at Beijing from 23 to 27 September 1991. New York, 9 and 11 September 1991

## I

### LETTERS FROM THE UNITED NATIONS

9 September 1991

(a)

...

On behalf of the United Nations, I should be grateful to receive your Government's acceptance of the following arrangements regarding the services to be provided for the Workshop:

...

#### D. *The Convention on the Privileges and Immunities of the United Nations*

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

1. (a) The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Workshop. 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 Workshop shall enjoy the privileges and immunities provided under articles V and VII of the Convention. Officials of the specialized agencies participating in the Workshop shall be accorded the privileges and immunities provided under articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies.

(b) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and persons referred to in paragraph D. 1 (a) above, performing functions in connection with the Workshop shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Workshop.

2. All participants and all persons performing functions in connection with the Course 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 promptly as possible.

3. It is further understood that your Government will be responsible for dealing with any action, claim or other demand against the United Nations and its personnel arising out of: (i) injury to person or damage to property in conference or office premises provided for the Workshop; (ii) the transportation provided by your Government; and (iii) the employment for the Workshop 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 that the injury or damage is attributable to gross negligence or wilful misconduct on the part of the United Nations or its personnel.

...

I further propose that upon receipt of your confirmation in writing of the above, this exchange of letters shall constitute a memorandum of understanding between the United Nations and the Government of China in respect of the Workshop.

*(Signed) Vasilii S. SAFRONCHUK  
Under-Secretary-General for  
Political and Security Council Affairs*

(b)

In connection with the exchange of letters between the United Nations and the Permanent Mission of the People's Republic of China to the United Nations concerning the arrangements for the above Workshop, I have the honour to state the following United Nations position regarding

the personnel provided by the Government of China for servicing the session.

In accordance with the long-standing practice of the United Nations relating to meetings held outside established Headquarters and pursuant to the relevant articles of the Charter of the United Nations, personnel provided by the Government 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 meeting.

*(Signed) Vasilii S. SAFRONCHUK  
Under-Secretary-General for  
Political and Security Council Affairs*

## II

### LETTER FROM THE PERMANENT MISSION OF CHINA TO THE UNITED NATIONS

11 September 1991

I am writing to acknowledge the receipt of your letter dated 9 September 1991 regarding the arrangements for the above Workshop.

With this letter, I wish to reaffirm that the Chinese Government will provide for the jointly sponsored activity the necessary privileges and immunities in accordance with Article 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations to ensure the full success of the Workshop.

*(Signed) LI Daoyu  
Permanent Representative of China  
to the United Nations*

- (t) Exchange of letters constituting an agreement between the United Nations and the Government of Italy on the participation of the United Nations and other organizations of the United Nations system in the International Specialized Exhibition in Genoa in 1992.<sup>33</sup> New York, 16 September and 2 October 1991

## I

### LETTER FROM THE UNITED NATIONS

16 September 1991

...

I wish to propose that the following terms shall apply to the participation of the United Nations organizations in the Exhibition:

(a) The Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies, to which Italy acceded on 3 February 1958 and 30 August 1985, respectively, shall be applicable in respect of the participation of the United Nations organizations in the Exhibition. Officials of the United Nations performing functions in connection with the participation of the United Nations in the Exhibition, and the property of the United Nations used in connection with such participation, shall enjoy the privileges and immunities provided under, respectively, articles V and VII, and article II, of the Convention on the Privileges and Immunities of the United Nations. Officials of the specialized agencies performing functions in connection with the participation of the specialized agencies in the Exhibition, and the property of the specialized agencies used in connection with such participation, shall enjoy the privileges and immunities provided under, respectively, articles VI and VII, and article III, of the Convention on the Privileges and Immunities of the Specialized Agencies.

(b) The United Nations organizations shall be exempt from all taxes on exhibited products sold during the Exhibition, or after the end of the Exhibition.

(c) All officials of the United Nations organizations performing functions in connection with the Exhibition shall have the right of unimpeded entry into and exit from Italy. Visas and entry permits, where required, shall be granted free of charge, and as promptly as possible.

...

I further propose that upon receipt of your confirmation in writing of the above, this exchange of letters shall constitute an agreement between the United Nations and the Government of Italy regarding the participation of the United Nations organizations in the International Specialized Exhibition in Genoa in 1992.

*(Signed) Satya N. NANDAN  
Under-Secretary-General  
United Nations Organizations Coordinator  
International Specialized Exhibition  
Genoa 1992*

## II

### LETTER FROM THE PERMANENT REPRESENTATIVE OF ITALY TO THE UNITED NATIONS

2 October 1991

I refer to your letter dated 16 September 1991 concerning the International Specialized Exhibition being organized in Genoa from 15 May to 15 August 1992, to which the United Nations and several specialized agencies have been invited and have agreed to participate.

I have the pleasure to confirm herewith that my Government accepts the arrangements and the provisions therein contained.

Your letter and this answer shall constitute an agreement between the United Nations and the Government of Italy regarding the participation of the United Nations organizations in the International Specialized Exhibition in Genoa in 1992.

(Signed) Vieri TRAXLER

- (u) Agreement between the United Nations (Office of the United Nations High Commissioner for Refugees) and the Government of South Africa governing the Legal Status, Privileges and Immunities of the UNHCR Office and its Personnel in South Africa.<sup>34</sup> Signed at Geneva on 2 October 1991

## *Article II*

### PURPOSE AND SCOPE OF THIS AGREEMENT

*Section 2.* This Agreement embodies the basic conditions under which UNHCR shall, within the terms of its mandate, and in cooperation with the Government, open an office in South Africa, and carry out its mandated functions in favour of returnees in accordance with the provisions of the Memorandum.<sup>35</sup>

...

## *Article IV*

### STATUS OF UNHCR OFFICE

#### PRESENCE

*Section 4.* UNHCR shall establish and maintain an office in South Africa for the purpose of discharging its functions in terms of the Memorandum and of its mandate.

*Section 5.* UNHCR personnel, in keeping with the statute and mandate of the Office, shall perform their functions in a strictly humanitarian, neutral and non-partisan manner.

*Section 6.* The Government undertakes to respect the exclusively international nature and humanitarian character of UNHCR. The Government shall at all times grant UNHCR personnel unimpeded access to returnees in order to monitor their return to places of origin or choice, including their safety and physical well-being, and to the sites of the UNHCR-assisted projects in order to monitor all phases of their implementation.

*Section 7.* UNHCR shall exercise its mandated functions, itself or through an implementing partner, including liaising with concerned gov-

ernmental, intergovernmental and non-governmental organizations functioning in South Africa.

#### UNITED NATIONS FLAG, EMBLEM AND MARKINGS

*Section 8.* UNHCR shall display the United Nations flag and/or emblem at or on its office premises, official vehicles and otherwise as agreed to between UNHCR and the Government. Vehicles, vessels and aircraft of UNHCR shall carry a distinctive United Nations emblem or marking, which shall be timeously notified to the Government.

...

#### *Article VII*

##### PRIVILEGES AND IMMUNITIES

*Section 17.* The Government shall extend to UNHCR, its premises, property, funds and assets, and to UNHCR personnel, the relevant privileges and immunities of the Convention, which are incorporated in annexes A, B, C and D and which shall constitute integral parts of this Agreement. The Government also agrees to grant to UNHCR and its personnel such additional privileges and immunities as may be necessary for the effective exercise of its mandated functions.

#### *Article VIII*

##### UNHCR PROPERTY, FUNDS, AND ASSETS

*Section 18.* UNHCR premises, property, funds and assets, wherever located and by whomsoever held, shall be immune from every form of legal process, except in so far as in any particular case the United Nations has expressly waived its immunity; it being understood, however, that this waiver shall not extend to any measure of execution.

*Section 19.* The UNHCR premises shall be inviolable. The property, funds and assets of UNHCR, wherever situated and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

*Section 20.* The archives of UNHCR, including all the papers, documents, correspondence, books, films, tapes, registers, databases and computerized documentation belonging to or held by it, shall be inviolable.

*Section 21.* No restriction will be placed on UNHCR introducing foreign currency into South Africa to fund the operations nor on the repatriation of any such funds to any countries abroad. The same privileges in regard to movement of funds related to their activities will be accorded to UNHCR as are made available to all foreign embassy bank accounts in South Africa.

*Section 22.* UNHCR shall buy and sell foreign exchange at the commercial rand rate of exchange as quoted by the authorized dealers in South Africa.

### *Article IX*

#### EXEMPTION FROM TAXATION, CUSTOMS DUTIES, PROHIBITIONS OR RESTRICTIONS ON IMPORTS AND EXPORTS

##### UNHCR OFFICE

*Section 23.* UNHCR shall be exempted from all dues and taxes, direct or indirect, personal or real, national, regional or municipal, other than such as represent payment for specific services rendered. Thus the Government shall exempt UNHCR from excise duties, sales tax and value-added tax, and from taxes on the sale or purchase by UNHCR of movable and immovable property in South Africa. UNHCR and the Government will agree on the appropriate administrative arrangements for the disposal of movable and immovable property and for the remission or refund of the amount of duty, tax or levy where it is not feasible to make direct exemption.

*Section 24.* UNHCR, its assets, income and other property shall be exempt from:

(a) All direct and indirect taxes, provided that UNHCR will not be entitled to exemptions for charges for public utility services;

(b) Customs duties, prohibitions or restrictions on articles imported or exported by UNHCR or its intergovernmental implementing partner(s) for their official use provided that the articles imported under such exemption will not be sold in South Africa except under conditions agreed upon with the Government;

(c) Customs duties, prohibitions or restrictions in respect of the import and export of its publications;

*Section 25.* Any materials, articles or goods imported or purchased locally by UNHCR, on its own behalf or on the behalf of its implementing partner(s), in connection with the discharge of its functions in terms of the Memorandum, its mandate and of this Agreement, shall be exempt from all customs and excise duties, prohibitions or restrictions. To the end that importation, clearance and exportation may be effected with the least possible delay, a mutually satisfactory procedure, including documentation, shall be agreed between UNHCR and the Government.

##### UNHCR OFFICIALS

*Section 26.* UNHCR officials, excluding those who are South African nationals and are recruited locally, shall be exempt from taxations on the pay and emoluments paid to them by UNHCR, and, for the international staff, on any income received from outside South Africa.

*Section 27.* UNHCR officials, excluding those who are recruited locally, shall be accorded the same privileges in respect of exchange facilities as are accorded to diplomatic envoys in South Africa.

*Section 28.* UNHCR officials, excluding those who are recruited locally, shall be exempt from all other national, regional or municipal dues and taxes, whether direct or indirect, except:

(a) Dues and taxes on property that is privately owned and situated in South Africa;

(b) Dues and taxes on private income having its source in South Africa and capital taxes made on investments made in commercial undertakings in South Africa;

(c) Charges levied for specific services rendered;

(d) Registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property which is privately held;

(e) Estate, succession or inheritance duties levied in respect of immovable property acquired in South Africa.

## *Article X*

### COMMUNICATION FACILITIES

*Section 29.* UNHCR shall enjoy, in respect of its official communications, treatment not less favourable than that accorded by the Government to any other Government including its diplomatic missions or to other intergovernmental/international organizations in matters of priorities, tariffs and charges on mail, cablegrams, telephotos, telephone, telegraph, telex and other communications, as well as rates for information to the press and radio.

*Section 30.* The Government shall secure the inviolability of the official communications and correspondence of UNHCR and shall not apply any censorship to its communications and correspondence. Such inviolability, without limitation by reason of this enumeration, shall extend to publications, photographs, slides, films and sound recordings.

*Section 31.* UNHCR shall have the right to use codes and to dispatch and receive correspondence and other materials by courier or in sealed bags which shall have the same privileges and immunities as diplomatic couriers and bags.

*Section 32.* UNHCR shall have the right to erect and operate radio and other telecommunications equipment, on United Nations-registered frequencies which have been coordinated with the Government and on frequencies allocated by the Government, between its offices, within and outside South Africa, and in particular with the UNHCR headquarters in Geneva; provided that this right shall not, without the consent of the Government, extend to point-to-point radio communication between fixed points in South Africa where a suitable terrestrial telephone infrastructure already exists.

## Article XI

### UNHCR PERSONNEL

*Section 33.* UNHCR may assign to its offices established in South Africa such officials, experts and other personnel as UNHCR deems necessary for the effective discharge of its mandated humanitarian functions.

#### CHIEF OF MISSION

*Section 34.* The Chief of Mission, the Deputy Chief of Mission and other senior officials as may be agreed between UNHCR and the Government, shall enjoy, while in South Africa, in respect of themselves, their spouses and dependent relatives, the privileges and immunities, exemptions and facilities as are normally accorded to diplomatic envoys in terms of South African law, including, but not limited to, the privileges and immunities enumerated in annex A of this Agreement. For this purpose, the Ministry of Foreign Affairs shall include their names in the Diplomatic List.

#### OFFICIALS

*Section 35.* UNHCR officials, other than the Chief of Mission, Deputy Chief of Mission and other senior officials, assigned to South Africa and whose names are for that purpose notified to the Government by the High Commissioner, shall be considered as officials within the meaning of section 17 of the Convention.

*Section 36.* UNHCR officials, other than the Chief of Mission, Deputy Chief of Mission and other senior officials, while in South Africa, shall enjoy such facilities, privileges and immunities necessary for the independent exercise of their functions, including, but not limited to, the privileges and immunities enumerated in annex B of this Agreement.

#### EXPERTS ON MISSION

*Section 37.* Persons other than officials, assigned to South Africa and whose names for that purpose are notified to the Government by the High Commissioner, shall be considered as experts on mission within the meaning of section 22 of the Convention.

*Section 38.* All experts on mission, while in South Africa, shall enjoy such facilities, privileges and immunities necessary for the independent exercise of their functions, including, but not limited to, the privileges and immunities enumerated in annex C of this Agreement.

#### PERSONS PERFORMING SERVICES ON BEHALF OF UNHCR

*Section 39.* Except as the parties may otherwise agree, the Government shall grant to all persons performing services on behalf of UNHCR, other than South African nationals employed locally, such facilities, privileges and immunities necessary for the independent exercise of their

functions, including, but not limited to, the privileges and immunities enumerated in annex D of this Agreement.

#### LOCALLY RECRUITED PERSONNEL

*Section 40.* UNHCR may recruit locally in South Africa such personnel as it requires. The Government undertakes, upon the request of the High Commissioner, to assist UNHCR in the recruitment of such personnel. The terms and conditions of employment for locally recruited personnel shall be prescribed by UNHCR in accordance with United Nations Staff Rules and Regulations and administrative instructions.

*Section 41.* Persons recruited locally and assigned to hourly rates to perform services for UNHCR shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity.

#### *Article XII*

#### ENTRY, RESIDENCE, DEPARTURE AND TRAVEL DOCUMENTS

*Section 42.* The Chief of Mission, Deputy Chief of Mission and other international personnel shall, whenever so required by the High Commissioner, have the right to enter into, reside in and depart from South Africa from agreed points of entry and exit. United Nations *laissez-passer*, held by the UNHCR staff, shall be accepted as valid travel/identification documents by the Government and holders of such documents shall be granted facilities for speedy travel to, through and from South Africa as promptly as possible free of charge.

#### *Article XIII*

#### NOTIFICATION

*Section 43.* The High Commissioner shall notify the Government of the names and categories of UNHCR officials, experts on mission and persons performing services on behalf of UNHCR, and of any change in the status of such personnel.

#### *Article XIV*

#### IDENTIFICATION

*Section 44.* The Government shall, at the request of the High Commissioner, issue to each UNHCR official, as soon as possible after such official's assignment to South Africa, as well as to all locally recruited personnel, other than those who are locally recruited and are assigned to hourly rates, the appropriate certificates of identity.

*Section 45.* UNHCR personnel, including locally recruited personnel, shall be required to present, but not to surrender, their certificates of identity upon demand of an authorized official of the Government.

*Section 46.* UNHR shall, upon the termination of employment or reassignment from South Africa of UNHCR personnel, ensure that their certificates of identity are returned promptly to the Government.

#### *Article XV*

##### DECEASED STAFF MEMBERS

*Section 47.* The High Commissioner shall have the right to take charge of and to remove the body of a member of international personnel of UNHCR who dies in South Africa, in accordance with the applicable United Nations procedures; it is understood that in the exercise of this right due consideration shall be taken of the relevant judicial requirements in force in South Africa.

*Section 48.* The High Commissioner will also have the right to remove from South Africa the personal property of the deceased staff member. The Government shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which was due solely to the presence in South Africa of the deceased as a member of UNHCR personnel.

#### *Article XVI*

##### WAIVER OF IMMUNITY

*Section 49.* Privileges and immunities are granted to UNHCR personnel in the interests of the United Nations and not for the personal benefit of the individuals concerned. Accordingly, the Secretary-General of the United Nations may waive the immunity of any of the UNHCR personnel where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

- (v) Exchange of letters constituting an agreement between the United Nations and the Government of Spain concerning the United Nations European Regional Seminar on the Question of Palestine,<sup>36</sup> to be held at Madrid from 27 to 30 May 1991. New York, 17 and 25 April 1991

## I

### LETTER FROM THE UNITED NATIONS

17 April 1991

...

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

1. (a) The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 and the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, to which Spain is a party, shall be applicable in respect of the Seminar. The representatives of member countries invited by the United Nations to participate in the Seminar shall enjoy the privileges and immunities accorded by article IV of the Convention. Participants invited by the United Nations shall possess the status of experts on mission for the United Nations within the meaning of 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 for under articles V and VII of the Convention;

(b) The locally employed personnel for the Seminar shall be staff recruited by the United Nations information centre in Madrid and shall, consequently, possess the status provided for in article 8 of the Agreement between Spain and the United Nations on the establishment of a United Nations information centre in Spain;

(c) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies, all participants and persons performing functions in connection with the Seminar shall enjoy such facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Seminar.

2. All participants and individuals performing functions in connection with the Seminar shall have the right of unimpeded entry into and exit from Spain. Visas and entry permits, where required, shall be granted free of charge and with all due dispatch.

3. It is understood that the Government of Spain shall be responsible for dealing with any claim against the United Nations arising out of:

(a) Injury or damage to persons or property in conference or office premises provided for the Seminar;

(b) Transport provided by the Government;

(c) The employment for the Seminar of personnel provided or arranged for by the Government.

...

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 Spain and the United Nations concerning the arrangements for the Seminar.

*(Signed) Ronald I. SPIERS  
Under-Secretary-General for Political  
and General Assembly Affairs  
and Secretariat Services*

## II

### LETTER FROM THE PERMANENT MISSION OF SPAIN TO THE UNITED NATIONS<sup>37</sup>

25 April 1991

I have the honour to acknowledge receipt of your letter dated 17 April 1991 concerning the holding of a European Regional Seminar on the Question of Palestine in Madrid from 27 to 30 May 1991.

In this note, you propose that the following provisions should be applied to the holding of the seminar:

[See letter I]

I wish to inform you of the Spanish Government's agreement with the terms set forth in the said letter, which, together with the present letter, shall constitute an agreement between the Government of Spain and the United Nations regarding the arrangements for the holding of the aforementioned Seminar.

(Signed) Francisco J. VIQUEIRA  
*Chargé d'affaires, a.i.*

- (w) Exchange of letters constituting an agreement between the United Nations and the Government of Cyprus concerning the Asian Regional Seminar and NGO Symposium on the Question of Palestine,<sup>38</sup> to be held at Nicosia from 20 to 24 January 1992. New York, 29 October and 22 November 1991

## I

### LETTER FROM THE UNITED NATIONS

29 October 1991

...

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

- (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/Symposium. The representatives of States invited by the United Nations to participate in the Seminar/Symposium and the members and observers of the Committee on the Exercise of the Inalienable Rights of the Palestinian People 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/Sympo-

sium shall enjoy the privileges and immunities provided under articles V and VII of the Convention. Officials of the specialized agencies participating in the Seminar/Symposium 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/Symposium shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Seminar/Symposium;
- (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/Symposium;
- (iv) All participants and all United Nations officials performing functions in connection with the Seminar/Symposium shall have the right of unimpeded entry into and exit from Cyprus. Visas and entry permits, where required, shall be granted promptly upon application and free of charge. Arrangements shall also be made to ensure that visas for the duration of the Seminar/Symposium are delivered at airport or other point of entry to participants who were unable to obtain them prior to their arrival;
- (v) It is further understood that the Government of Cyprus will be responsible for dealing with any action, claim or other demand against the United Nations arising out of: (a) injury to person or damage of property in conference or office premises provided for the Seminar/Symposium; (b) the transportation provided by the Government; and (c) the employment for the Seminar/Symposium of personnel provided by the Government; and the Government of Cyprus shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand;

...

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 Cyprus and the United Nations concerning the arrangements for the Seminar and Symposium.

*(Signed)* Ronald I. SPIERS  
*Under-Secretary-General for Political  
and General Assembly Affairs and  
Secretariat Services*

## II

### LETTER FROM THE PERMANENT MISSION OF CYPRUS TO THE UNITED NATIONS

22 November 1991

I have the honour to acknowledge receipt of your letter dated 29 October 1991 in which, *inter alia*, you conveyed to my Government proposed terms that should apply to the Asian Regional Seminar and NGO Symposium scheduled to be held at Nicosia, Cyprus, from 20 to 24 January 1992.

I am pleased to convey to you my Government's acceptance of the proposed terms and its understanding that such acceptance when received by you shall constitute an agreement between the Government of Cyprus and the United Nations concerning the arrangements for the Seminar/Symposium.

(Signed) Andreas MAVROMMATIS  
*Permanent Representative*

- (x) Exchange of letters constituting an agreement between the United Nations (United Nations Environment Programme) and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the arrangements for the Meeting of Experts to Discuss Draft Proposals for an Intergovernmental Mechanism for Chemical Risk Assessment and Management.<sup>39</sup> Nairobi, 30 October 1991, and London, 26 November 1991

1. I have the honour to refer to arrangements for the Meeting of Experts to Discuss Draft Proposals for an Intergovernmental Mechanism for Chemical Risk Assessment and Management, 16-19 December 1991, that the United Nations Environment Programme is convening in London, United Kingdom.

2. It is my understanding that:

(a) Being a meeting convened by the United Nations, the general Convention on the Privileges and Immunities of the United Nations ("the Convention") and the Convention on the Privileges and Immunities of the Specialized Agencies ("the Specialized Agencies Convention"), to both of which the United Kingdom is party, would apply, as appropriate, to persons attending the Meeting. In particular:

- (i) The representatives of Members of the United Nations would enjoy the privileges and immunities provided under article IV of the Convention. Officials of the United Nations performing functions in connection with the Meeting would enjoy the privileges and immunities provided under articles V and VII of the Convention. Representatives of States not Members of the

United Nations, and persons invited by UNEP and falling within the following categories:

—Organizations that have received invitations from UNEP to participate in the Meeting in the capacity of observers, and national liberation movements;

—Other intergovernmental organizations;

—Non-governmental organizations;

—Other persons invited by UNEP,

who are designated by the Secretary-General as experts on mission for the United Nations, following consultations between the Government and UNEP, would enjoy the privileges and immunities provided under article VI of the Convention;

- (ii) Officials of the specialized agencies participating in the Meeting would enjoy the privileges and immunities provided under articles VI and VIII of the Specialized Agencies Convention;

(b) All participants, and all persons performing functions in connection with the Meeting, will have the right of unimpeded entry into and exit from the United Kingdom. Visas and entry permits, where required, will be granted free of charge. Applications should be made at least four weeks before the opening of the Meeting in question, in which case visas will be granted not later than two weeks before the opening of the Meeting. If applications are made less than four weeks before the opening, visas will be granted as speedily as possible.

(c) The Government will allow importation, tax-free and duty-free, of all articles for the official use of the Secretariat. No articles imported under this exemption may be sold, hired or lent out or otherwise disposed of in the United Kingdom, except under conditions agreed with the Government.

(d) The Government will be responsible for dealing with any action, claim or other demand against the United Nations or its officials arising out of:

- (i) Injury to persons or damage to or loss of property in conference or office premises provided for the Meeting;
- (ii) Injury to persons or damage to or loss of property caused by, or incurred in using, the transport services that are provided for the Meeting by or under the control of the Government;
- (iii) The employment for the Meeting of personnel provided or arranged by the Government;

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

...

3. I propose that this letter and your affirmative answer will place on record the understanding between the Government of the United King-

dom and the United Nations Environment Programme regarding privileges and immunities, and related matters, for the Meeting.

(Signed) Mostafa K. TOLBA  
Executive Director  
United Nations Environment Programme  
30 October 1991

(Signed) Stephen DURRELL  
Parliamentary Under-Secretary of State  
for Health, Ministry of Health of the  
United Kingdom of Great Britain  
and Northern Ireland  
26 November 1991

- (y) Agreement between the United Nations and the Government of China regarding Arrangements for the Forty-eighth Session of the United Nations Economic and Social Commission for Asia and the Pacific<sup>40</sup> [to be held at Beijing from 14 to 23 April 1992], with exchange of letters. Signed at Bangkok on 6 December 1991

#### *Article VIII*

##### LIABILITY

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

(a) Injury to persons or damage to or loss of property in the premises;

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

(c) The employment for the Session of the personnel provided by the Government.

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

#### *Article IX*

##### PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, to which

the People's Republic of China is a party, shall be applicable in respect of the Session.

2. The representatives or observers referred to in article II, paragraph 1 (c), (e) and (f), 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 Session.

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

4. Without prejudice to the preceding paragraphs of the present article, all participants at the Session, as referred to in article II, shall be accorded maximum facilities and courtesies necessary for the independent exercise of their functions in connection with the Session.

5. All persons referred to in article II shall have the right of entry into and exit from the People's Republic of China, 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.

6. For the purpose of the Convention on the Privileges and Immunities of the United Nations, the conference premises shall be inviolable for the duration of the Session, including the preparatory stage and the winding-up.

7. All persons referred to in article II, above, shall have the right to take out of the People's Republic of China at the time of their departure, any unexpended portions of the funds they brought in to the People's Republic of China in connection with the Session and to reconvert any such funds at the rate of exchange in force at the date of reconversion.

8. The Government shall allow the temporary importation, tax-free 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, provided that such equipment is re-exported. It shall issue without delay any necessary import and export permits for this purpose.

## EXCHANGE OF LETTERS

### I

#### LETTER FROM THE UNITED NATIONS

6 December 1991

In connection with the Agreement between the United Nations and the Government of the People's Republic of China concerning arrangements for the forty-eighth session of the United Nations Economic and Social Commission for Asia and the Pacific, to be held, at the invitation of the Government of the People's Republic of China, at Beijing, during the period 14 to 23 April 1992, I have the honour to state the following United

Nations position regarding the personnel provided by the Government to service the session:

In accordance with the long-standing practice of the United Nations relating to meetings held outside established headquarters and pursuant to the relevant articles of the Charter of the United Nations, personnel provided by the Government 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 meeting.

(Signed) S. A. M. S. KIBRIA  
*Executive Secretary  
Economic and Social Commission  
for Asia and Pacific*

## II

### LETTER FROM THE AMBASSADOR OF CHINA TO THAILAND AND PERMANENT REPRESENTATIVE TO THE ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC<sup>41</sup>

6 December 1991

With regard to your letter dated 6 December 1991 concerning arrangements for the forty-eighth session of the United Nations Economic and Social Commission for Asia and the Pacific, to be held, at the invitation of the Government of the People's Republic of China, at Beijing, during the period 14 to 23 April 1992, I have been instructed by my Government to state the following:

To enable the said session to achieve complete success, the Government of China agrees to provide the session with the necessary privileges and immunities in accordance with the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations.

(Signed) Shichun Li

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### 3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND

Agreement between the United Nations (United Nations Children's Fund) and the Government of Belize<sup>42</sup> [Basic Cooperation Agreement].<sup>43</sup> Signed at Belize City on 5 September 1990

#### *Article IX*

#### PRIVILEGES AND IMMUNITIES

1. The Government shall extend to UNICEF, its property, funds and assets, and to its officials and experts on mission, the privileges and

immunities set out in the Convention [on the Privileges and Immunities of the United Nations].

2. Without prejudice to the provisions of paragraph 1 of the present article, the Government shall in particular extend to UNICEF and its personnel the privileges, immunities, rights and facilities provided in articles X to XVII hereunder.

### *Article X*

#### UNICEF OFFICE, PROPERTY, FUNDS AND ASSETS

1. The premises of the UNICEF office shall be inviolable. The appropriate Government authorities shall exercise due diligence to ensure the security and protection of the premises of the UNICEF office.

2. Without being restricted by financial controls, regulations or moratoriums of any kind, UNICEF may freely:

(a) Bring into the country from any other country and acquire from authorized banking and financial institutions, funds, securities, currencies of any kind and negotiable instruments;

(b) Accept funds, securities, currencies of any kind and negotiable instruments conveyed to UNICEF through bequests, or obtained from UNICEF activities in the country;

(c) Hold and use funds, securities, currencies of any kind and negotiable instruments for its programmes in the country, maintain and operate accounts in any currency, and convert any currencies held by it into any other currency;

(d) Transfer its funds, securities, currencies of any kind and negotiable instruments from the country to any other country or within the country, to individuals, firms, institutions or agencies, including any organization or agency of the United Nations system.

3. The rate of exchange available to UNICEF for the financial activities envisaged above shall be the most favourable, legally available rate of exchange.

4. In exercising the rights accorded to it under paragraph 2 of the present article, UNICEF shall pay due regard to any representation made to it by the Government and shall endeavour to give effect thereto, so far as this is possible without detriment to its own interests.

### *Article XI*

#### FACILITIES IN RESPECT OF COMMUNICATIONS

1. UNICEF shall enjoy, in respect of its official communications, treatment not less favourable than that accorded by the Government to any other Government, including its diplomatic missions, or to other intergovernmental organizations in matters of establishment and operation, priorities, tariffs, charges on mail, cablegrams, teleprinters, telephone

and other communications, as well as rates for information to the press and radio.

2. No official correspondence or other communication of UNICEF shall be subjected to censorship. Such immunity shall extend to printed matter, photographic and electronic data communications and other forms of communications to be added by joint agreement. UNICEF shall be entitled to use codes and to dispatch and receive correspondence either by courier or in sealed pouches, all of which shall be inviolable and not subject to censorship.

3. UNICEF shall be entitled, in establishment and operation of its official communications, to the benefits of the International Telecommunication Convention (Nairobi, 1982) and the regulations annexed thereto.

### *Article XII*

#### FACILITIES IN RESPECT OF MEANS OF TRANSPORTATION

The Government shall grant UNICEF necessary permits or licences for, and shall not impose undue restrictions on, the acquisition or use and maintenance by UNICEF of civil aeroplanes and other craft required for programme activities under the present Agreement.

### *Article XIII*

#### UNICEF PERSONNEL

##### OFFICIALS

1. UNICEF officials while in the country, other than nationals of the host country employed locally, shall enjoy the following privileges and immunities:

(a) Immunity from legal process of any kind in respect of words spoken or written or in respect of any act performed in an official capacity. Such immunity will continue even after termination of employment with UNICEF;

(b) The same protection and repatriation facilities with respect to themselves, their spouses and other dependants as are accorded in time of crisis to diplomatic envoys;

(c) Exemption from taxation in respect of salaries, emoluments and allowances paid by UNICEF;

(d) Prompt clearance and issuance without cost of necessary visas, licences or permits necessary for the effective exercise of their functions;

(e) Free movement within or to or from the country, to the extent necessary for the implementation of the programmes of cooperation;

(f) Exemption, with respect to themselves, their spouses and other dependants from immigration restriction and alien registration;

(g) The issuance of any permits necessary for importation of household and personal effects or other property, materials and supplies intended for their personal use or consumption and authorization to take any of them out of the country on completion of their assignment;

(h) Immunity from service in the military and any other obligatory service.

2. National Professional officers and General Service staff who are nationals of the host country, employed locally, shall be entitled to the rights and facilities in subparagraphs (a), (c), (e) and (h) of paragraph 1 of this article.

#### EXPERTS ON MISSION

3. Experts on mission shall be granted the privileges and immunities specified in article VI, sections 22 and 23, of the Convention.

#### *Article XIV*

#### PERSONS PERFORMING SERVICES

Persons performing services on behalf of UNICEF, other than nationals of the host country employed locally, shall be granted the privileges and immunities specified in article V, section 18, of the Convention. They shall, in particular, be granted the rights and facilities set forth in subparagraphs (c), (d), (e) and (g) of paragraph 1 of article XIII of the present Agreement.

#### *Article XV*

#### OTHER PERSONNEL

1. All other personnel recruited locally by UNICEF and assigned to hourly rates to perform services for UNICEF shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity.

2. The terms and conditions of employment for personnel recruited locally by UNICEF and assigned to hourly rates shall be in accordance with the relevant United Nations resolutions, decisions, regulations and rules and policies of the competent organs of the United Nations and governing bodies of UNICEF.

#### *Article XVI*

#### HEAD OF THE UNICEF OFFICE

The head of the UNICEF office shall enjoy the privileges, immunities and facilities granted to heads of diplomatic missions accredited to the Government. For this purpose his name shall be incorporated into the diplomatic list. The senior officials, as may be agreed between UNICEF and the Government, shall enjoy the same privileges and immunities

accorded by the Government to the members of diplomatic missions of comparable ranks.

#### *Article XVII*

##### GREETING CARDS AND OTHER UNICEF PRODUCTS

Any materials imported or exported by UNICEF or by national bodies duly authorized by UNICEF to act on its behalf, in connection with the established purposes and objectives of the UNICEF Greeting Card Operation, shall be exempt from all customs duties, prohibitions and restrictions, and the sale of such materials for the benefit of UNICEF shall be exempt from all national or other local taxes.

#### *Article XVIII*

##### WAIVER OF PRIVILEGES AND IMMUNITIES

The privileges and immunities accorded under the present Agreement are granted in the interest of the United Nations, including UNICEF, and not for the personal benefit of the persons concerned. The Secretary-General of the United Nations has the right and the duty to waive the immunity of any individual in any case where, in his opinion, such immunity impedes the course of justice and can be waived without prejudice to the interests of the United Nations and UNICEF.

#### *Article XIX*

##### CLAIMS AGAINST UNICEF

1. UNICEF cooperation in programmes under the present Agreement is provided for the benefit of the Government and people of the host country and, therefore, the Government shall bear all the risks of the operations under the present Agreement.

2. The Government shall, in particular, be responsible for dealing with all claims, arising from or directly attributable to the operations under the present Agreement, which may be brought by third parties against UNICEF, UNICEF officials, experts on mission and persons performing services on behalf of UNICEF and shall, in respect of such claims, indemnify and hold them harmless, except where the Government and UNICEF agree that the particular claim or liability was caused by gross negligence or wilful misconduct.

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#### 4. AGREEMENTS RELATING TO THE UNITED NATIONS DEVELOPMENT PROGRAMME

- (a) Standard Basic Assistance Agreement between the recipient Government and the United Nations Development Programme.<sup>44</sup>

##### *Article III*

###### EXECUTION OF PROJECTS

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

##### *Article IX*

###### PRIVILEGES AND IMMUNITIES

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

##### *Article X*

###### FACILITIES FOR EXECUTION OF UNDP ASSISTANCE

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

##### *Article XIII*

###### GENERAL PROVISIONS

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

Agreements between the United Nations (United Nations Development Programme) and the Governments of Senegal,<sup>45</sup> Kenya,<sup>46</sup> Romania,<sup>47</sup> Albania<sup>48</sup> and Cameroon.<sup>49</sup> Signed respectively at Dakar on 4 July 1987, at Nairobi on 17 January 1991, at Bucharest on 23 January 1991, at Tirana on 17 June 1991 and at Yaoundé on 25 October 1991.

These agreements contain provisions similar to articles III, paragraph 5, IX, X and XIII, paragraph 4, of the Standard Basic Assistance Agreement except that in the Agreement with Cameroon the provision of article IX does not grant the privileges and immunities described in it to the persons "who reside permanently in the country".

- (b) Agreement between the United Nations (United Nations Development Programme) and the Government of the Argentine Republic on the Establishment of a National Office for the Technological Information Pilot System.<sup>50</sup> Signed at Buenos Aires on 1 November 1991<sup>51</sup>

#### Article 4

The Government shall accord, to the TIPS [Technological Information Pilot System] National Office, in its capacity as a UNDP executing agency, as well as to its assets and to the duly accredited foreign specialists who are not permanent residents of the Argentine Republic, those privileges and immunities stipulated by the Agreement in force between the Government and UNDP.

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

#### 1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES.<sup>52</sup> APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947

In 1991 the following States acceded to the Convention or, if already parties, undertook by a subsequent notification to apply the provisions of the Convention, in respect of the specialized agencies indicated below:

<i>State</i>	<i>Date of receipt of instrument of accession or notification</i>	<i>Specialized agencies</i>
Zimbabwe	5 March 1991	ILO, FAO (second revised text of annex II), ICAO, UNESCO, IMF, IBRD, WHO (third revised text of annex VII), UPU, ITU, WMO, IMO (revised text of annex XII), IFC, IDA, WIPO, IFAD, UNIDO.
Czechoslovakia	26 April 1991	IMF, IBRD, IFC, IDA
Austria	2 July 1991	WIPO
Hungary	12 November 1991	ICF, IDA

As of 31 December 1991, 96 States were parties to the Convention<sup>53</sup>

## 2. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

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

Agreements concerning specific sessions held outside FAO headquarters, containing provisions on privileges and immunities of FAO and participants similar to the standard text,<sup>54</sup> were concluded in 1991 with the Governments of the following countries acting as hosts to such sessions: Argentina,<sup>55</sup> Australia, Bolivia, Botswana, Bulgaria, Burkina Faso, China, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Ethiopia, France,<sup>55</sup> Germany,<sup>55</sup> Ghana, Greece, Hungary, India,<sup>55</sup> Indonesia, Iran (Islamic Republic of), Italy,<sup>55</sup> Malawi, Malaysia, Malta, Mexico,<sup>55</sup> Monaco,<sup>55</sup> Morocco, Nepal, Norway, Portugal, Switzerland,<sup>55</sup> Syrian Arab Republic, Thailand, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland,<sup>55</sup> Venezuela and Zimbabwe.

### (b) 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 text,<sup>56</sup> were concluded in 1991 with the Governments of the following countries acting as hosts to such training activities: Argentina,<sup>55</sup> Austria, Côte d'Ivoire, Fiji, Kenya, Nigeria, Senegal, Tunisia and Zimbabwe.

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

Agreements relating to conferences, seminars and other meetings

### (a) Agreement between the United Nations Educational, Scientific and Cultural Organization and the Government of Australia concerning the Meeting of Experts to Prepare Criteria on the Revision and Improvement of Textbooks from the Viewpoint of International Education<sup>57</sup> [to be held at Natham, Queensland, from 18 to 22 March 1991]. Signed at Canberra on 7 February 1991

#### *Privileges and Immunities*

The Government of Australia shall apply, in all matters relating to this meeting, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations as well as annex IV thereof, to which Australia has been a party since 9 May 1986. In particu-

lar, the Government shall ensure that no restriction is placed upon the entry into, sojourn in and departure from the territory of Australia of all persons, of whatever nationality, entitled to attend the meeting by virtue of a decision of the appropriate authorities of UNESCO and in accordance with the Organization's pertinent rules and regulations.

#### *Damage and accidents*

As long as the premises reserved for the meeting are at the disposal of UNESCO, the Government of Australia shall bear the risk of damage to the premises, facilities and furniture and shall assume and bear all responsibility and liability for accidents that may occur to persons present therein. However, the authorities of Australia shall be entitled to adopt appropriate measures to ensure the protection, particularly against fire and other risks, of the above-mentioned premises, facilities, furniture and persons. They may also claim from UNESCO compensation for any damage to persons and property caused by the fault of staff members or agents of the Organization.

- (b) Agreements containing provisions similar to those referred to in the paragraph above also concluded between UNESCO and the Governments of other States.

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#### 4. UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

- (a) Standard Basic Cooperation Agreement between the United Nations Industrial Development Organization and Member States Receiving Assistance from UNIDO<sup>58</sup>

#### *Article X*

##### PRIVILEGES AND IMMUNITIES

[See *Juridical Yearbook, 1990*, p. 52]

#### *Article XI*

##### FACILITIES FOR THE IMPLEMENTATION OF UNIDO ASSISTANCE

1 and 2. [See *Juridical Yearbook, 1990*, p. 53]

#### *Article XIV*

##### GENERAL PROVISIONS

4. [See *Juridical Yearbook, 1990*, p. 53]

Agreements between the United Nations Industrial Development Organization and the Governments of Guinea<sup>59</sup>, Albania<sup>60</sup> and Saint Vincent and the Grenadines.<sup>61</sup> Signed respectively at Conakry on 8 June 1991, at Vienna on 8 November 1991 and at Kingstown on 1 November and at Vienna on 28 November 1991.

These Agreements contain provisions similar to articles X, XI, paragraphs 1 and 2, and XIV, paragraph 4, of the Standard Basic Cooperation Agreement.

- (b) Agreement between the United Nations Industrial Development Organization and the Government of Denmark regarding the Arrangements for a UNIDO International Conference on Ecologically Sustainable Industrial Development<sup>62</sup> [to be held at Copenhagen from 14 to 18 October 1991]. Signed at Vienna on 18 and 24 July 1991

#### *Article X*

##### LIABILITY

1. The Government shall be responsible for dealing with any action, claim or other demand against UNIDO 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) The employment for the Conference of the personnel provided by the Government under article VIII;

(c) Any transportation provided by the Government for the Conference.

2. The Government shall indemnify and hold harmless UNIDO and its officials in respect of any such action, claim or other demand.

#### *Article XI*

##### PRIVILEGES AND IMMUNITIES

1. In accordance with article 21 of the Constitution of UNIDO, the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, to which Denmark is a party, shall be applicable in respect of the Conference. In particular, the representatives, advisers and experts of States or of inter-governmental organs referred to in article II, paragraph 1 (a) and (b) above, shall enjoy the privileges and immunities provided under article IV of the Convention, the officials of UNIDO 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 UNIDO in connection with the Conference shall enjoy the privileges and immunities provided under articles VI and VII of the Convention.

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

4. Without prejudice to the preceding paragraphs of the present article, all persons performing functions in connection with the Conference, including those referred to in article VIII and all those participating in the Conference, shall enjoy the privileges, immunities and facilities necessary for the independent exercise of their functions in connection with the Conference.

5. All persons referred to in article II shall have the right of entry into and exit from Denmark, and no impediment shall be imposed on their transit to and from the conference area. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the Conference, provided the application for the visa is made at least four 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 the airport of Copenhagen or other specified points of entry to participants who were unable to obtain them prior to their arrival.

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

7. All persons referred to in article II, above, shall have the right to take out of Denmark at the time of their departure, without any restriction, any unexpended portions of the funds they brought into Denmark in connection with the Conference and to reconvert any such funds.

8. 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.

- (c) Agreement between the United Nations Industrial Development Organization and the Government of the Czech and Slovak Federal Republic regarding the Arrangements for UNIDO's Fourth Consultation on the Capital Goods Industry, with Emphasis on Machine Tools<sup>63</sup> [to be held at Prague from 16 to 20 September 1991]. Signed at Vienna on 10 September 1991

This Agreement contains provisions similar to articles X and XI of the Agreement under subsection (b) above.

- (d) Agreement between the United Nations Industrial Development Organization and the Government of Greece regarding the Arrangements for UNIDO's Second Consultation on the Building Materials Industry<sup>64</sup> [to be held at Athens from 4 to 8 November 1991]. Signed at Vienna on 31 October 1991

This Agreement contains provisions similar to articles X and XI of the Agreement under subsection (b) above.

- (e) Agreement between the United Nations Industrial Development Organization and the Government of India on Basic Terms and Conditions governing UNIDO Projects Envisaged by the Interim Programme for the International Centre for Genetic Engineering and Biotechnology (with exchange of letters).<sup>65</sup> Signed at Vienna on 25 March 1991

### *Article III*

#### PRIVILEGES AND IMMUNITIES

1. In respect of the project activities executed within the framework of the present Agreement, the Government shall apply to UNIDO, including its organs, its property, funds, assets and its officials and experts on mission, the provisions of the Convention on the Privileges and Immunities of the United Nations or the Convention on the Privileges and Immunities of the Specialized Agencies, as applicable, in accordance with article 21 of the Constitution of UNIDO.<sup>66</sup> In particular, the Government shall grant the same privileges, immunities and facilities to these project activities as it usually grants to technical assistance projects implemented by UNIDO in India as an executing agency of the United Nations Development Programme.

2. For this purpose:

(a) Representatives of States members of the Preparatory Committee for the Establishment of the International Centre for Genetic Engineering and Biotechnology (ICGEB) and observers from Non-member States shall be assimilated to representatives of members of UNIDO;

(b) Members of the Panel of Scientific Advisers to the Preparatory Committee shall be considered experts on mission for UNIDO;

(c) Consultants employed by UNIDO for the purpose of implementing the interim programme of ICGEB shall be considered experts on mission for UNIDO;

(d) All papers and documents relating to the project in the possession or under the control of the persons referred to in subparagraphs (b) and (c) above shall be deemed to be documents belonging to UNIDO;

(e) Equipment, materials and supplies brought into, or purchased, or leased by those persons within the country for purposes of the project shall be deemed to be property of UNIDO. Such items shall nevertheless be subject to the quarantine and other health laws applicable in India to the import of live materials such as seeds, propagule, plants, animals, embryos, eggs, micro-organisms, etc.

#### *Article IV*

##### FACILITIES FOR THE IMPLEMENTATION OF UNIDO ACTIVITIES

1. For the purpose of implementing the privileges and immunities referred to in article III, the Government shall, in particular, grant the following facilities:

(a) Prompt issuance without cost of necessary visas, licences or permits;

(b) Access to the laboratories and premises, measuring approximately 12,000 square feet, of ICGEB, of which 10,000 square feet at the National Institute of Immunology, and 2,000 square feet in halls Nos. 409 and 411 in the Life Sciences Block of Jawaharlal Nehru University, and all necessary rights of way, as described in the annexed chart;

(c) Free movement within or to or from the country to the extent necessary for proper execution of UNIDO activities subject to such laws and regulations concerning zones, entry into which is prohibited or regulated by the Government for reasons of national security;

(d) The existing legal rate of exchange;

(e) Any permits necessary for the importation of equipment, materials and supplies and for their subsequent exportation;

(f) Any permits necessary for the importation of personal effects belonging to and intended for the personal use or consumption of officials of UNIDO, or experts on mission for UNIDO, within the first four months of taking up their posts in India, and for the subsequent exportation of such personal effects;

(g) Prompt release from customs of the items mentioned in subparagraphs (e) and (f) above.

2. (a) UNIDO shall apply in the laboratories at New Delhi, referred to in paragraph 1 (b) above, all relevant safety standards applicable in India. UNIDO shall be bound by the environmental laws of India. Strict safety standards shall be applied to the research activities at the above-mentioned laboratories. The safety standards shall conform to the regulations and guidelines applicable to national laboratories and other research

institutions in India pertaining to the use of hazardous chemicals, handling and disposal of radioactive isotopes and any biohazard material arising from the use of recombinant DNA technology. In addition, the safety guidelines of the National Institute of Health (NIH) (United States of America) shall be strictly adhered to in the handling of plant, animal and human pathogens and in the conduct of recombinant DNA experiments. Compliance with the guidelines in force in India, in addition to those of NIH, shall be supervised by a Standing Committee on Safety consisting of the Director of the interim programme, the Head of component, New Delhi, and three nominees of the Government. The chairmanship of the meetings of the Standing Committee shall be by rotation among the members. The day-to-day monitoring of the activities at the above-mentioned laboratories shall be carried out by a qualified, full-time Safety Officer. Records of all hazardous chemicals, biochemicals, biological materials and experiments covered under the recombinant DNA safety guidelines of the Government shall be maintained for frequent monitoring and inspection by appropriate authorities of UNIDO and of the Government;

(b) The Government, in accordance with its laws and regulations, shall be responsible for dealing with any actions, claims or other demands against UNIDO or its personnel arising out of personal injury or damage to property arising from activities in the laboratories and premises referred to in paragraph 1 (b) above, except those normally covered by the applicable employment regulations and rules of UNIDO;

(c) Any such action, claim or other demand arising out of events attributable to *force majeure* shall exempt the Government and UNIDO from any obligation;

(d) The foregoing provisions in subparagraphs (b) and (c), above, shall not apply where the Government and UNIDO have agreed that a claim or liability arises from a violation of the safety standards and environmental laws applicable in India, or from gross negligence or wilful misconduct of UNIDO officials or experts on mission for UNIDO.

## EXCHANGE OF LETTERS

### I

#### *Letter from UNIDO*

25 March 1991

I have the honour to refer to the Agreement between the Government of India and the United Nations Industrial Development Organization on Basic Terms and Conditions governing UNIDO Projects Envisaged by the Interim Programme for the International Centre for Genetic Engineering and Biotechnology, which will be signed today.

On the occasion of concluding the above Agreement, I would be grateful for receiving the confirmation of Your Excellency's Government of the following points:

...

- (ii) With respect to article IV.2 (b) of the Agreement, it is understood that the Government's responsibility shall include, *mutatis mutandis*, the hold harmless obligation as contained in article I.6 of the Standard Technical Assistance Agreement which was concluded on 31 August 1956 between the Government and the United Nations Technical Assistance Board, as amended by the exchange of letters dated 19 June, 3 July and 3 October 1963, and the text of which is reproduced below:

"The Government shall be responsible for dealing with any claims which may be brought by third parties against the Organization(s) and their experts, agents or employees and shall hold harmless such Organization(s) and their experts, agents and employees in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Government, the Executive Chairman of the Technical Assistance Board and the Organization(s) concerned that such claims or liabilities arise from the gross negligence or wilful misconduct of such experts, agents or employees."

Finally, I wish to propose that the present letter and Your Excellency's reply conveying the acceptance by the Government of the above shall constitute a binding understanding between the Government and UNIDO regarding the above-mentioned Agreement.

(Signed) Domingo L. SIAZON, Jr.  
*Director-General*

## II

### LETTER FROM THE GOVERNMENT OF INDIA

25 March 1991

I have the honour to refer to your letter of 25 March 1991 regarding the Agreement between the Government of India and the United Nations Industrial Development Organization on Basic Terms and Conditions Governing UNIDO Projects Envisaged by the Interim Programme for the International Centre for Genetic Engineering and Biotechnology, which reads as follows:

[See letter I]

I have the honour to convey the acceptance of the Government of India of the points proposed in your letter and to confirm that this exchange of letters shall constitute a binding understanding between the Government of India and UNIDO regarding the above-mentioned Agreement.

(Signed) J. R. HIREMATH  
*Permanent Representative of India to UNIDO*

- (f) Agreement between the United Nations Industrial Development Organization and the Government of Italy on Basic Terms and Conditions governing the UNIDO Project concerning the Preparatory Phase for the Establishment of an International Centre for Science and High Technology.<sup>67</sup> Signed at Vienna on 29 June 1991

### *Article III*

#### PRIVILEGES AND IMMUNITIES

1. In respect of the project activities executed within the framework of the present Agreement, the Government shall apply to UNIDO, including its organs, its property, funds, assets and its officials and experts on mission, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies, which is applicable in accordance with article 21 of the Constitution of UNIDO.

### *Article IV*

#### FACILITIES FOR THE IMPLEMENTATION OF UNIDO ACTIVITIES

1. For the purpose of implementing the privileges and immunities referred to in article III, the Government shall, in particular, grant the following facilities:

(a) Prompt issuance without cost of necessary visas, licences or permits;

(b) Access to the premises of the International Centre for Theoretical Physics at Trieste and all necessary rights of way;

(c) Free movement within or to or from the country to the extent necessary for proper execution of UNIDO activities;

(d) The most favourable legal rate of exchange;

(e) Any permits necessary for the importation of equipment, materials and supplies and for their subsequent exportation;

(f) Any permits necessary for the importation of property belonging to and intended for the personal use or consumption of officials of UNIDO, of experts on mission for UNIDO and for the subsequent exportation of such property;

(g) Prompt release from customs of the items mentioned in subparagraphs (e) and (f) above.

...

2. For this purpose:

(a) Members of the Panel of Scientific Advisers to the project, as well as scientists participating in the committees, meetings, workshops and similar events of the project shall be considered experts on mission for UNIDO;

(b) Consultants employed by UNIDO, as well as trainees, shall, for the purpose of implementing the project, be considered experts on mission for UNIDO;

(c) All papers and documents relating to the project in the possession or under the control of the persons referred to in subparagraphs (a) and (b) above shall be deemed to be documents belonging to UNIDO;

(d) Equipment, materials and supplies brought into, or purchased, or leased by those persons within the country for purposes of the project shall be deemed to be property of UNIDO.

3. The level of privileges and immunities granted in accordance with the present Agreement shall be understood to be subject to such adjustment as may be required to take fully into account the general understanding concerning additional privileges and immunities to be reached between the appropriate Italian authorities and the specialized agencies of the United Nations having offices or projects in Italy. Any such adjustment shall be agreed to in a supplemental agreement to the present Agreement.

## 5. INTERNATIONAL ATOMIC ENERGY AGENCY

Agreement on the Privileges and Immunities of the International Atomic Energy Agency.<sup>68</sup> Approved by the Board of Governors of the Agency on 1 July 1959

In 1991 there were no additional acceptances of the Agreement. As of the end of the year, 61 member States were parties to the Agreement.

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### NOTES

<sup>1</sup> United Nations, *Treaty Series*, vol. 1, p. 15.

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

<sup>3</sup> For the list of those States, see *Multilateral treaties deposited with the Secretary-General* (United Nations publication, Sales No. E.93.V.11).

<sup>4</sup> Came into force on 15 January 1991.

<sup>5</sup> Came into force on 21 February 1991.

<sup>6</sup> United Nations, *Treaty Series*, vol. 1252, p. 339.

<sup>7</sup> *Ibid.*, vol. 600, p. 93.

<sup>8</sup> Came into force on 25 February 1991.

<sup>9</sup> For the text of the exchange of letters, see *Juridical Yearbook*, 1983, p. 32.

<sup>10</sup> Came into force on the date of signature.

<sup>11</sup> Came into force on 24 April 1991.

<sup>12</sup> Came into force on 24 April 1991.

<sup>13</sup> Came into force on 29 April 1991.

<sup>14</sup> Came into force on 16 May 1991.

<sup>15</sup> Came into force on 14 May 1991.

<sup>16</sup> United Nations, *Treaty Series*, vol. 33, p. 261.

<sup>17</sup> *Ibid.*, vol. 374, p. 147.

<sup>18</sup> Came into force on 23 May 1991.

<sup>19</sup> United Nations, *Treaty Series*, vol. 1252, p. 339.

<sup>20</sup> *Ibid.*, vol. 600, p. 93.

- <sup>21</sup> Came into force on 7 June 1991.
- <sup>22</sup> Came into force on 15 April 1991.
- <sup>23</sup> Came into force on the date of signature.
- <sup>24</sup> Came into force on 28 June 1991.
- <sup>25</sup> Came into force on 26 July 1991.
- <sup>26</sup> Translation from Spanish prepared by the Secretariat of the United Nations.
- <sup>27</sup> A/44/971-S/21541, annex.
- <sup>28</sup> Came into force on 12 August 1991.
- <sup>29</sup> Came into force on the date of signature.
- <sup>30</sup> Came into force on 5 September 1991.
- <sup>31</sup> Translation from French prepared by the Secretariat of the United Nations.
- <sup>32</sup> Came into force on 16 September 1991.
- <sup>33</sup> Came into force on 2 October 1991.
- <sup>34</sup> Came into force on the date of signature.
- <sup>35</sup> Memorandum of Understanding between the United Nations (United Nations High Commissioner for Refugees) and the Government of the Republic of South Africa on the Voluntary Repatriation and Reintegration of South African Returnees, signed at Geneva on 4 September 1991; United Nations registration No. 28360.
- <sup>36</sup> Came into force on 15 November 1991.
- <sup>37</sup> Translation from Spanish prepared by the Secretariat of the United Nations.
- <sup>38</sup> Came into force on 22 November 1991.
- <sup>39</sup> Came into force on 26 November 1991.
- <sup>40</sup> Came into force on the date of signature.
- <sup>41</sup> Translation from Chinese prepared by the Secretariat of the United Nations.
- <sup>42</sup> Came into force on 23 May 1991.
- <sup>43</sup> See E/ICEF/1990/L.16.
- <sup>44</sup> UNDP, Basic Documents Manual, chap. II (1).
- <sup>45</sup> Came into force on 31 July 1991.
- <sup>46</sup> Came into force on the date of signature.
- <sup>47</sup> Came into force on the date of signature.
- <sup>48</sup> Came into force on the date of signature.
- <sup>49</sup> Came into force on the date of signature.
- <sup>50</sup> Came into force on the date of signature.
- <sup>51</sup> Translation from Spanish prepared by the Secretariat of the United Nations.
- <sup>52</sup> United Nations, *Treaty Series*, vol. 33, p. 261.
- <sup>53</sup> For the list of those States, see *Multilateral treaties deposited with the Secretary-General* (United Nations publication, Sales No. E.93.V.II).
- <sup>54</sup> Reproduced in *Juridical Yearbook*, 1972, p. 32.
- <sup>55</sup> Certain departures from the standard text or amendments thereto were introduced at the request of the host Government.
- <sup>56</sup> Reproduced in *Juridical Yearbook*, 1972, p. 33.
- <sup>57</sup> Came into force on the date of signature.
- <sup>58</sup> UNIDO/IDB.1/13, annex I, adopted by the General Conference of UNIDO on 12 December 1985.
- <sup>59</sup> Came into force on the date of signature.
- <sup>60</sup> Came into force on the date of signature.
- <sup>61</sup> Came into force on 28 November 1991.
- <sup>62</sup> Came into force on 24 July 1991.
- <sup>63</sup> Came into force on the date of signature.
- <sup>64</sup> Came into force on the date of signature.
- <sup>65</sup> Came into force on the date of signature.
- <sup>66</sup> See *Juridical Yearbook*, 1985, p. 26.
- <sup>67</sup> Came into force on the date of signature.
- <sup>68</sup> United Nations, *Treaty Series*, vol. 374, p. 147.