

SIXTH COMMITTEE: ORGANIZATION

ARTICLE 87

(STATUS OF THE ORGANIZATION IN THE TERRITORY OF MEMBERS)

Note by the Secretariat

1. The President has received the following letter from the Secretary-General of the United Nations:

"Sir,

"During its first session the United Nations General Assembly recommended the unification and co-ordination, as far as possible, of the privileges and immunities enjoyed by the United Nations and the various specialized agencies.

"During its second session, the General Assembly adopted three resolutions designed to put into effect the principle it had previously approved.

"The first of the three resolutions approves the text of a convention on the privileges and immunities of the specialized agencies and recommends accession to it by all Members of the United Nations and by any other State which is a member of a specialized agency. The convention has nine annexes designed to adapt the text of the standard clauses of the convention to each of the nine specialized agencies at present related to the United Nations. The advantages of this convention are not, however, restricted to these organizations only; they extend to any other agency brought into relationship with the United Nations in accordance with Articles 57 and 63 of the Charter.

"In these circumstances it is likely that the International Trade Organization will be taking advantage of this convention in the near future.

"One of the difficulties encountered by the General Assembly in the course of its work for the unification of the privileges and immunities of the specialized agencies lay in the fact that various agencies already had, in their basic instruments, provisions dealing with their privileges and immunities which were frequently dissimilar. To avoid the recurrence of such a difficulty in the case of new specialized agencies and in view of the fact that there is now a general convention applicable to all the

/specialized

specialized agencies, the General Assembly decided, in a second resolution, to recommend such new agencies to ensure that their basic instruments contain no detailed provisions regarding their privileges and immunities. The Assembly also recommended any international conference considering the creation of a specialized agency to prepare a draft annex supplementing the general convention with regard to that agency.

"To this end, the Secretary-General has been expressly instructed to transmit a copy of the second resolution to any international conference dealing with such a problem. I therefore have the honour to attach to this letter copies of the French and English text of the resolution in question.

"The Third resolution includes a recommendation to Members of the United Nations inviting them, pending their formal accession to the convention, to grant the specialized agencies, as far as possible, the advantages of the privileges and immunities provided for in the convention.

"A comprehensive report on the three resolutions referred to above was submitted to the General Assembly by the Sixth Committee. This report, which includes a number of comments and specifies the procedure by which the convention on the privileges and immunities of the specialized agencies shall come into force, should help to simplify the work of the conference on this question. For your information and necessary action, I enclose thirty copies of the report in French and English.

"In conclusion, I would assure you that the Privileges and Immunities Division of the Legal Department of the Secretariat is at your disposal to provide any further information you may consider necessary regarding these three resolutions and their implementation.

"I have the honour to be, etc.,

(sgd) Trygve Lie
Secretary-General"

2. Of the three resolutions referred to in the letter quoted above, it seems necessary, for the purposes of this Conference, to reproduce for the information of delegations merely that one which aims at co-ordinating the privileges and immunities of the specialized agencies. This has already been done (see page 15 of the Annotated Agenda - document E/CONF.2/C.6/12).
3. The text of the General Convention on Privileges and Immunities is as follows:

/CONVENTION ON THE

CONVENTION ON THE PRIVILEGES AND IMMUNITIES
OF THE SPECIALIZED AGENCIES

WHEREAS the General Assembly of the United Nations adopted on 13 February 1946 a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various Specialized Agencies; and

WHEREAS consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the Specialized Agencies;

CONSEQUENTLY, by a resolution adopted on (insert date on which resolution No. I is approved) the General Assembly has approved the following Convention, which is submitted to the Specialized Agencies for acceptance and to every Member of the United Nations and to every other State Member of one or more of the Specialized Agencies for accession.

ARTICLE I
DEFINITIONS AND SCOPE

Section 1

In this Convention:

- (i) The words "standard clauses" refer to the provisions of Articles II to IX.
- (ii) The words "Specialized Agencies" mean:
 - (a) The International Labour Organization;
 - (b) The Food and Agriculture Organization of the United Nations;
 - (c) The United Nations Educational, Scientific and Cultural Organization;
 - (d) The International Civil Aviation Organization;
 - (e) The International Monetary Fund;
 - (f) The International Bank for Reconstruction and Development;
 - (g) The World Health Organization;
 - (h) The Universal Postal Union;
 - (i) The International Telecommunications Union; and
 - (j) any other Agency in relationship with the United Nations in accordance with Articles 57 and 63 of the Charter.
- (iii) The word "convention" means, in relation to any particular specialized agency, the standard clauses as modified by the final (or revised) text of the annex transmitted by that Agency in accordance with Sections 38 and 40.
- (iv) For the purpose of Article III, the words "property and assets" shall also include property and funds administered by a Specialized Agency in furtherance of its constitutional functions.

/(v) For the

- (v) For the purpose of Articles V and VII, the expression "representatives of members" shall be deemed to include all delegates, alternates, advisers, technical experts and secretaries of delegations,
- (vi) In Sections 13, 14, 15 and 25, the expression "meetings convened by a Specialized Agency" means meetings of (1) its Assembly and of its executive body (however designated), and (2) of any commission provided for in its constitution, (3) of any international conference convened by it, and (4) of any committee of any of those bodies.
- (vii) The terms "Executive head" means the principal executive official of the Specialized Agency in question, whether designated "Director-General" or otherwise.

Section 2

Each State party to this Convention in respect of any Specialized Agency, to which this Convention has become applicable in accordance with Section 37 shall accord to, or in connection with, that Agency the privileges and immunities set forth in the standard clauses on the conditions specified therein, subject to any modification of those clauses contained in the provisions of the final (or revised) annex relating to that Agency and transmitted in accordance with Section 36 or 38.

ARTICLE II

JURIDICAL PERSONALITY

Section 3

The Specialized Agencies shall possess juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and moveable property, (c) to institute legal proceedings.

ARTICLE III

PROPERTY, FUNDS AND ASSETS

Section 4

The Specialized agencies, their property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 5

The premises of the specialized agencies shall be inviolable. The property and assets of the specialized agencies, wherever located 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 6

Section 6

The archives of the specialized agencies, and in general all documents belonging to them or held by them, shall be inviolable wherever located.

Section 7

Without being restricted by financial controls, regulations or moratoria of any kind:

- (a) the specialized agencies may hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) the specialized agencies shall be free to transfer their funds, gold or currency from one country to another or within any country and to convert any currency held by them into any other currency.

Section 8

Each specialized agency shall, in exercising its rights under Section 7 above, pay due regard to any representations made by the Government of any State party to this Convention insofar as it is considered that effect can be given to such representations without detriment to interests of the agency.

Section 9

The specialized agencies, their assets, income and other property shall be:

- (a) exempt from all direct taxes; it is understood, however, that the specialized agencies will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the specialized agencies for their official use; it is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;
- (c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of their publications.

Section 10

While the specialized agencies will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the specialized agencies are making important purchases for official use of property on which such taxes have been charged or are chargeable, States parties to this convention will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

/ARTICLE IV

ARTICLE IV
FACILITIES IN RESPECT OF COMMUNICATIONS

Section 11

Each specialized agency shall enjoy, in the territory of each State party to this convention in respect of that agency, for its official communications treatment not less favourable than that accorded by the Government of such State to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

Section 12

No censorship shall be applied to the official correspondence and other official communications of the specialized agencies.

The specialized agencies shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Nothing in this Section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Convention and a specialized agency.

ARTICLE V
THE REPRESENTATIVES OF MEMBERS

Section 13

Representatives of Members at meetings convened by a specialized agency shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;
- (b) inviolability for all papers and documents;
- (c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) exemption in respect of themselves, and their spouses from immigration restrictions, aliens' registration or national service obligations in the State they are visiting or through which they are passing in the exercise of their functions;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments or temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

/Section 14

Section 14

In order to secure for the representatives of Members of the specialized agencies at meetings convened by them complete freedom of speech and independence in the discharge of their duties, and immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 15

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members of the specialized agencies at meetings convened by them are present in a State for the discharge of their duties shall not be considered as periods of residence.

Section 16

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

Section 17

The provisions of Sections 13, 14 and 15 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

ARTICLE VI
OFFICIALS

Section 18

Each specialized agency will specify the categories of officials to which the provisions of this Article and of Article VIII shall apply. It shall communicate them to the Governments of all states parties to this Convention in respect of that agency and to the Secretary-General of the United Nations. The names of the officials included in these categories shall from time to time be made known to the above-mentioned governments.

Section 19

Officials of the specialized agencies 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) enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agency and on the same conditions as is enjoyed by officials of the United Nations;

/(c) be immune

- (c) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (d) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;
- (e) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;
- (f) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 20

The officials of the specialized agencies shall be exempt from national service obligations, provided that, in relations to the State of which they are nationals, such exemption shall be confined to officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the Executive head of the specialized agency and approved by the State concerned.

Should other officials of specialized agencies be called up for national service, the State concerned shall, at the request of the specialized agency concerned, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Section 21

In addition to the immunities and privileges specified in Sections 19 and 20, the Executive head of each specialized agency including any official acting on his behalf during his absence from duty 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.

Section 22

Privileges and immunities are granted to officials in the interests of the specialized agencies only and not for the personal benefit of the individuals themselves. Each specialized agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialized agency.

Section 23

Each specialized agency shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities mentioned in this Article.

/Section 24

Section 24

If any State party to this Convention considers that there has been an abuse of a privilege or immunity conferred by this Convention, consultations shall be held between that State and the Specialized Agency concerned to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the Specialized Agency concerned, the question whether an abuse of a privilege or immunity has occurred shall be submitted to the International Court of Justice in accordance with Section 32. If the International Court of Justice find that such an abuse has occurred, the State party to this Convention affected by such abuse shall have the right after notification to the Specialized Agency in question to withhold from, or in connection with, the Specialized Agency concerned the benefits of the privilege or immunity so abused.

ARTICLE VII

LIMITATIONS OF RIGHTS OF RESIDENCE

Section 25

1. Representatives of Members at meetings convened by specialized agencies, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of Section 18 shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of the abuse of privileges of residence by any such person committed by activities in that country outside his official functions, he may be required to leave by the Government of that country provided that:
2. (I) A representative of a member or a person who is entitled to diplomatic immunity under Section 21 shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.
(II) In the case of an official to whom Section 21 is not applicable no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question and such approval shall only be given after consultation with the executive head of the specialized agency concerned; and if expulsion proceedings are taken against an official, the executive head of the agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

/ARTICLE VIII

ARTICLE VIII
LAISSEZ-PASSER

Section 26

Officials of the specialized agencies shall be entitled to use the United Nations laissez-passer in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies to which agencies special power to issue laissez-passer may be delegated. The Secretary-General of the United Nations shall notify each state party to this convention of each administrative arrangement so concluded.

Section 27

States parties to this Convention shall recognize and accept the United Nations laissez-passer issued to officials of the specialized agencies as valid travel documents.

Section 28

Applications for visas, where required, from officials of specialized agencies holding United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of a specialized agency shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 29

Similar facilities to those specified in Section 28 shall be accorded to experts and other persons who, though not the holders of the United Nations laissez-passer, have a certificate that they are travelling on the business of a specialized agency.

Section 30

The Executive heads, Assistant Executive heads, heads of departments and other officials of a rank not lower than head of Department of the specialized agencies travelling on United Nations laissez-passer on the business of the specialized agencies shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

/ARTICLE IX

ARTICLE IX
SETTLEMENT OF DISPUTES

Section 31

Each specialized agency shall make provision for appropriate modes of settlement of:

- (a) disputes arising out of contracts or other disputes of private character to which the specialized agency is a party;
- (b) disputes involving any official of a specialized agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Section 22.

Section 32

All differences arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between one of the specialized agencies on the one hand, and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court and the relevant provisions of the agreements concluded between the United Nations and the specialized agency concerned. The opinion given by the Court shall be accepted as decisive by the parties.

ARTICLE X

Section 33

In their application to each specialized agency, the standard clauses shall operate subject to any modifications set forth in the final (or revised) text of the annex relating to that Agency, as provided in Sections 36 and 38.

Section 34

The provisions of the Convention in relations to any specialized agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instruments.

Section 35

Draft annexes 1 to 9 are recommended to the specialized agencies named therein. In the case of any specialized agency not mentioned by name in Section 1, the Secretary-General shall transmit to the agency a draft annex recommended by the Economic and Social Council.

Section 36

The final text of each annex shall be that approved by the specialized agency in question in accordance with its constitutional procedure. A copy of the annex as approved by each specialized agency shall be transmitted by the agency in question to the Secretary-General of the United Nations and

/shall thereupon

shall thereupon replace the draft referred to in Section 35.

Section 37

The present Convention becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex and undertakes to give effect to Sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of Section 32 which may be made in the final text of the annex, to the extent necessary to accord with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency. The Secretary-General shall communicate to all Members of the United Nations and other States members of the specialized agencies certified copies of all annexes transmitted to him under this Section and of revised annexes transmitted under Section 38.

Section 38

If, after the transmission of a final annex under Section 36, any specialized agency approves any amendments thereto in accordance with its constitutional procedure, a revised annex shall be transmitted by it to the Secretary-General.

Section 39

The provisions of this Convention shall in no way limit or prejudice the privileges and immunities which have been or may hereafter be accorded by any State to any specialized agency by reason of the location in the territory of that State of its headquarters or regional offices. This Convention shall not be deemed to prevent the conclusion between any state party, thereto and any Specialized Agency of supplemental agreements adjusting the provisions of this Convention or extending or curtailing the privileges and immunities thereby granted.

Section 40

It is understood that the standard clauses as modified by the final text of an annex sent by a specialized agency to the Secretary-General under Section 36 (or any revised annex sent under Section 38) will be consistent with the provisions of the constitutional instrument then in force of the agency in question, and that if any amendment to that instrument is necessary, for the purpose of making the constitutional instrument so consistent, such amendment will have been brought into force in accordance with the constitutional procedure of that agency before the final (or revised) annex is transmitted.

The Convention shall not itself operate so as to abrogate, or derogate from, any provisions of the constitutional instrument of any specialized agency or any

agency or any rights or obligations which the agency may otherwise have or acquire.

ARTICLE XI
FINAL PROVISIONS

Section 41

Accession to this Convention by a Member of the United Nations and (subject to Section 42) by any state member of a specialized agency shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations, which shall take effect on the date of its deposit.

Section 42

A specialized agency shall communicate the text of this Convention together with the relevant annexes to those of its members which are not Members of the United Nations and shall invite them to accede thereto in respect of that agency by depositing an instrument of accession to this Convention in respect thereof either with the Secretary-General of the United Nations or with the Executive head of the specialized agency.

Section 43

Each State party to this Convention shall indicate in its instrument of accession the specialized agency or agencies in respect of which it undertakes to apply the provisions of this Convention. Each State party to this Convention may by a subsequent written notification to the Secretary-General of the United Nations undertake to apply the provisions of this Convention to one or more further specialized agencies. This notification shall take effect on the date of its receipt by the Secretary-General.

Section 44

This Convention shall enter into force for each state party to this Convention in respect of a specialized agency when it has become applicable to that agency in accordance with Section 37 and the State party has undertaken to apply the provisions of the convention to that agency in accordance with Section 43.

Section 45

The Secretary-General of the United Nations shall inform all Members of the United Nations, as well as all members of the specialized agencies, and Executive heads of the specialized agencies of the deposit of each instrument of accession received under Section 41 and of subsequent notifications received under Section 43. The Executive head of a specialized agency shall inform the Secretary-General of the United Nations and the members of the agency concerned of the deposit of any instrument of accession deposited with him under Section 42.

/Section 46

Section 46

It is understood that, when an instrument of accession or a subsequent notification is deposited on behalf of any state, this state will be in a position under its own law to give effect to the terms of this Convention, as modified by the final texts of any annexes relating to the agencies covered by such accessions or notifications.

Section 47

1. Subject to the provisions of paragraph (2) and (3) of this Section, each State party to this Convention undertakes to apply this Convention in respect of each specialized agency covered by its accession or subsequent notification, until such time as a revised convention or annex shall have become applicable to that agency and the said State shall have accepted the revised convention or annex. In the case of a revised annex the acceptance of States shall be by a notification addressed to the Secretary-General of the United Nations.
2. Each State party to this Convention, however, which is not or has ceased to be a Member of a specialized agency, may address a written notification to the Secretary-General of the United Nations and the Executive Head of the agency concerned to the effect that it intends to withhold from that agency the benefits of this Convention as from a specified date which shall not be earlier than three months from the date of receipt of the notification.
3. Each State party to this Convention may withhold the benefit of this Convention to any specialized agency which ceases to be in relationship with the United Nations.
4. The Secretary-General of the United Nations shall inform all States parties to this Convention of any notification transmitted to him under the preceding paragraph.

Section 48

At the request of one-third of the States parties to this Convention, the Secretary-General of the United Nations will convene a Conference with the view of its revision.

4. The Annexes to the Convention are as follows:

ANNEX I

THE INTERNATIONAL LABOUR ORGANIZATION

In their application to the International Labour Organization the standard clauses shall operate subject to the following provision:

Article V (other than paragraph (c) of Section 13) and Section 25, paragraph 2 (1) of Article VII shall extend to the employers and workers members of the Governing Body of the International Labour Office; their alternates and advisers; except that any waiver of the immunity of any such person member under Section 16 shall be by the Governing Body,

/ANNEX II

ANNEX II

THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

In their application to the Food and Agriculture Organization of the United Nations (hereinafter called "the Organization") the standard clauses shall operate subject to the following provisions:

1. Article V and Section 25, paragraph 2 (1) of Article VII shall extend to the Chairman of the Council of the Organization, except that any waiver of the immunity of the Chairman under Section 16 shall be by the Council of the Organization.
2. (1) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions:
 - (a) immunity from personal arrest or seizure of their personal baggage;
 - (b) in respect of words spoken or written or acts done by them in the performance of their official functions, immunity of legal process of any other kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for the Organization;
 - (c) the same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions;
- (ii) Privileges and immunities are granted to the experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the cause of justice, and it can be waived without prejudice to the interests of the Organization.

ANNEX III

THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

In their application to the International Civil Aviation Organization (hereinafter called "the Organization") the standard clauses shall operate subject to the following provisions:

1. The privileges, immunities, exemptions and facilities referred to in Section 22 of the standard clauses shall also be accorded to the President of the Council of the Organization.
2. (1) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions
/for, the Organization

for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions:

- (a) immunity from personal arrest or seizure of their personal baggage;
- (b) in respect of words spoken or written or acts done by them in the performance of their official functions, immunity of legal process of any other kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for the Organization;
- (c) the same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions;
- (d) inviolability of their papers and documents relating to the work on which they are engaged for the Organization.

(ii) In connection with (d) of 2 above, the principle contained in the last sentence of Section 12 of the standard clauses shall be applicable.

(iii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

ANNEX IV

THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

In their application to the United Nations Educational, Scientific and Cultural Organization (hereinafter called "the Organization") the standard clauses shall operate subject to the following provisions:

1. Article V and Section 25, paragraph 2 (1) of Article VII shall extend to the President of the Conference and members of the Executive Board of the Organization, their substitutes and alternates except that any waiver of the immunity of any such person of the Executive Board under Section 16 shall be by the Executive Board.
2. (1) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities

/so far as is

so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions:

- (a) immunity from personal arrest or seizure of their personal baggage;
- (b) in respect of words spoken or written or acts done by them in the performance of their official functions, immunity of legal process of any other kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for the Organization;
- (c) the same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions;

(ii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

ANNEX V

THE INTERNATIONAL MONETARY FUND

In their application to the International Monetary Fund (hereinafter called "the Fund"), the standard clauses shall operate subject to the following provisions:

- 1. The following shall be substituted for Section 9:
 - (a) The Fund, its assets, property, income and its operations and transactions authorized by its Articles of Agreement, shall be immune from all taxation and from all customs duties. The Fund shall be immune from prohibitions and restrictions on imports and exports in respect of articles imported or exported for its official use and in respect of its publications. It is understood, however, that the Fund will not claim exemption from taxes which are, in fact, no more than charges for public utility services, and that articles (other than its publications) imported under this exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country. The Fund shall also be immune from the collection or payment of any tax or duty.

/(b) I.o taxation of

(b) No taxation of any kind shall be levied on any obligation or security issued by the Fund, including any dividend or interest thereon, by whomsoever held:

- (i) which discriminates against such obligation or security solely because of its origin; or
- (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund.

2. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Fund from this Convention and are not included in those which it can claim under its Articles or otherwise.

ANNEX VI

THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

In their application to the International Bank for Reconstruction and Development (hereinafter called "the Bank"), the standard clauses shall operate subject to the following provisions:

1. The following shall be substituted for Section 4:

"Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank."

2. The following shall be substituted for Section 9:

(a) The Bank, its assets, property, income and its operations and transactions authorized by its Articles of Agreement, shall be immune from all taxation and from all Customs duties. The Bank shall be immune from prohibitions and restrictions on imports and exports in respect of articles imported or exported for its official use and in respect of its publications. It is understood, however, that the Bank will not claim exemption from taxes which are, in fact, no more than charges for public utility services, and that articles other than its publications imported under this exemption will not

exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country.

The Bank shall also be immune from the collection or payment of any tax or duty.

(b) No taxation of any kind shall be levied on any obligation or security issued by the Bank (including any dividend or interest thereon) by whomsoever held:

(i) which discriminates against such obligation or security solely because it is issued by the Bank; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.

(c) No taxation of any kind shall be levied on any obligation or security guaranteed by the Bank (including any dividend or interest thereon) by whomsoever held:

(i) which discriminates against such obligation or security solely because it is guaranteed by the Bank; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

3. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Bank from this Convention and are not included in those which it can claim under its Articles or otherwise.

ANNEX VII

THE WORLD HEALTH ORGANIZATION

In their application to the World Health Organization (hereinafter called "the Organization") the standard clause shall operate subject to the following modifications:

1. Article V and Section 25, paragraph 2 (1) of Article VII shall extend to persons designated to serve on the Executive Board of the Organization, their alternates and advisers, except that any waiver of the immunity of any such persons under Section 16 shall be by the Board.

2. (i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions:

/(a) immunity from

- (a) immunity from personal arrest or seizure of their personal baggage;
- (b) in respect of words spoken or written or acts done by them in the performance of their official functions, immunity of legal process of any other kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for the Organization;
- (c) the same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions;

(ii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interest of the Organization.

ANNEX VIII

THE UNIVERSAL POSTAL UNION

The standard clauses shall apply without modification.

ANNEX IX

THE INTERNATIONAL TELECOMMUNICATION UNION

The standard clauses shall apply without modification.
