

**AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE
UNITED NATIONS CONCLUDED BETWEEN THE SWISS
FEDERAL COUNCIL AND THE SECRETARY-GENERAL OF
THE UNITED NATIONS ON 19 APRIL 1946***

WHEREAS the General Assembly of the United Nations on 12th February 1946 approved a Common Plan for the Transfer of the League of Nations to the United Nations which had been previously agreed on between a Committee set up by Preparatory Commission, of the United Nations and the Supervisory Commission of the League of Nations, and

WHEREAS the Assembly of the League of Nations approved the said Common Plan on 19th April 1946,

The Swiss Federal Council on the one hand and the Secretary-General of the United Nations on the other hand have concluded the following Agreement for the purpose of determining the privileges and immunities to be granted to the United Nations, to the representative of its Members and to its officials, and of regulating other related matters.

ARTICLE I

JURIDICTIONAL PERSONALITY

Section 1

The Swiss Federal Council recognizes the international personality and legal capacity of the United Nations. Consequently, according to the rules of international law, the Organization cannot be sued before the Swiss Courts without its express consent.

ARTICLE II

PROPERTY, FUNDS AND ASSETS

Section 2

The premises of the United Nations shall be inviolable. The property and assets of the United Nations in Switzerland shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

* The Agreement has come into force on 1st July 1946.

Section 3

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

Section 4

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

- a) the United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;
- b) the United Nations shall be free to transfer its funds, gold or currency to or from Switzerland within Switzerland and to convert any currency held by it into any other currency.

In exercising its rights under this section, the United Nations shall pay due regard to any representations made by the Swiss Federal Council in so far as the Organization considers that effect can be given to such representations without detriment to its interests.

Section 5

The United Nations, its assets, income and other property shall be :

- a) exempt from all direct and indirect taxes whether federal, cantonal or communal. It is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- b) exempt from the stamp duty on coupons instituted by the Swiss Federal Law of 25th June 1921, and from tax collected at source as introduced by the Federal Council decree of 1st September 1943, completed by the Federal Council decree of 31st October 1944. The exemption shall be effected by the repayment to the United Nations of the duty levied on its assets;
- c) exempt from all customs duties in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in Switzerland except under conditions agreed with the Swiss Federal Council;
- d) exempt from all prohibitions and restrictions on imports and exports in respect of articles intended for the official use of the United Nations, subject to the provisions of general international conventions and health necessary use its good offices to obtain the consent of any other State which may be concerned;
- e) exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of its publications.

Section 6

The United Nations does not propose, as a general rule, to claim exemption from indirect taxes or taxes on the sale included in the price of movable or immovable property ; its intention is to claim this exemption only in the case of important purchases which it may effect for its official purposes where such duties and taxes are included in the price. In cases of this kind, the Swiss Federal Council will make appropriate administrative arrangements for the remission of return of the amount of such duties or taxes.

ARTICLE III

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 7

The United Nations shall enjoy in Switzerland for its official communications treatment not less favourable than that accorded by the Swiss Federal Council to any 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 in conformity with the International Convention on Telecommunications. No consorship shall be applied to the official correspondence and other official communications of the United Nations.

Section 8

The United Nations shall have the right to use codes and to despatch and receive correspondence by courier of in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE IV

THE REPRESENTATIVES OF MEMBERS OF THE UNITED NATIONS

Section 9

Representatives of Members of the United Nations on its principal and subsidiary organs and at conferences convened by the United Nations, shall, while exercising their functions and during their journey 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 capacity as representatives, 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;
- e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys, and also;
- g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on articles imported (otherwise than as part of their personal baggage) or from indirect taxes or sales taxes.

Section 10

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

Section 11

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

Section 12

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

Section 13

In this article the expression « representatives » shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

ARTICLE V

OFFICIALS OF THE UNITED NATIONS

Section 14

The Secretary-General will from time to time make known to the Swiss Federal Council, in the same manner as to the Governments of Member States, the names of those officials to whom the provisions of this Article and Article VII shall apply.

Section 15

Officials of the United Nations shall :

- a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- b) be exempt from taxation on the salaries and emoluments paid to the by the United Nations;
- c) be immune from national service obligations, subject to the special provisions contained in the Annexe to the present Agreement in respect of officials of Swiss nationality;
- d) be immune, together with their spouses and relatives dependent on them, from immigration restriction and alien registration;
- e) 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 the Swiss Federal Council;
- f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- g) have the right to import free of duty their furniture and effects at the time of first taking up their post in Switzerland.

Section 16

The Secretary-General and the Assistant Secretaries-General and the officials assimilated to them, shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law and international usage.

In addition, officials in the categories which are specified by the Secretary-General, or by the person authorized by him, and which are agreed to by the Swiss Federal Council, shall be accorded the privileges and immunities, exemption, and facilities accorded to diplomatic agents who are not heads of mission.

Section 17

Privileges and immunities are granted to officials in the interest of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive the immunity.

Section 18

The United Nations shall co-operate at all times with the appropriate Swiss authorities to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

ARTICLE VI

EXPERTS ON MISSIONS FOR THE UNITED NATIONS

Section 19

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

- a) immunity from personal arrest or detention and from seizure of their personal baggage;
- b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on mission for the United Nations;
- c) inviolability for all papers and documents;
- d) for the purpose of their communication with the United Nations, the right to use codes and to receive papers or correspondence by courier of in sealed bags;

- e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Section 20

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

ARTICLE VII

UNITED NATIONS LAISSEZ-PASSER

Section 21

The United Nations may issue United Nations laissez-passers to its officials. These laissez-passers, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 22

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

Section 23

Similar facilities to those specified in Section 22 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passers, have a certificate that they are travelling on the business of the United Nations.

Section 24

The Secretary-General, Assistant Secretaries-General, Directors and if the Secretary-General should so desire, the Chief Administrative Officer of the United Nations in Switzerland, travelling on United Nations laissez-passers on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

Section 25

The provisions of this Article may be applied in the case of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

ARTICLE VIII

SETTLEMENT OF DISPUTES

Section 26

The United Nations shall make provisions for appropriate modes of settlement of :

- a) disputes arising out of contracts or other disputes of a private law character, to which the United Nations is a party;
- b) disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

Section 27

Any difference between the United Nations and the Swiss Federal Council concerning the interpretation or application of this Agreement or of any supplementary arrangement or agreement which is not settled by negotiation shall be submitted for decision to a Board of three arbitrators; the first to be appointed by the Swiss Federal Council, the second by the Secretary-General of the United Nations, and the third, the presiding arbitrator, by the President of the International Court of Justice, unless in any specific case the parties agree to resort to a different mode of settlement.

FINAL ARTICLE

Section 28

This Agreement shall enter into force immediately upon its signature on behalf of the Swiss Federal Council and by the Secretary-General of the United Nations.

Section 29

The provisions of this Agreement can be modified only by agreement between the Secretary-General and the Swiss Federal Council. If agreement cannot be reached, the Secretary-General or the Swiss Federal Council may denounce the whole of, or any section in, this Agreement. In this case, unless the Secretary-General and the Swiss Federal Council otherwise agree, the Agreement or the sections in question shall remain in force for three months from the date of such denunciation.

ANNEX TO THE AGREEMENT

1. The Secretary-General of the United Nations will communicate to the Swiss Federal Council a list of officials of Swiss nationality liable for service of a military nature.
2. The Secretary-General of the United Nations and the Swiss Federal Council will draw up by agreement a limited list of officials of Swiss nationality who will be granted dispensation in view of the office which they hold.
3. If other officials of Swiss nationality are called up, the Secretariat of the United Nations, through the Federal Political Department, may ask for postponement of some other appropriate measures.