

July 22, 1951

HOST AGREEMENT BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE WORLD HEALTH ORGANIZATION

Note: The Agreement was approved by the World Health Assembly, May 21, 1952 and by the Government of the Philippines, August 22, 1952. It entered into force, September 29, 1952.

Reference: This Agreement is also published in 149 UNTS, p. 197.

The Government of the Republic of the Philippines

of the one part, and

The World Health Organization

of the other,

Desiring to conclude an AGREEMENT for the purpose of determining the privileges, immunities and facilities to be granted by the GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES to the WORLD HEALTH ORGANIZATION, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the Western Pacific Region, and of regulating other related matters,

HAVE AGREED AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 1

In the present Agreement:

- (i) The word "organization" shall mean the World Health Organization;
- (ii) For the purposes of Article IV the words "property and assets", "funds, gold or currency", or "assets, income and other property" shall be deemed to include property, assets, and funds administered by the Organization under Article 57 of the Constitution and/or in furtherance of its constitutional functions;
- (iii) The words "representatives of Members" shall be deemed to include all delegates to the World Health Assembly; all persons designated by Members to serve on the Executive Board of the Organization; all representatives on the Regional Committee in the Western Pacific Region, as well as all delegates, alternates, advisers, technical experts who are members of delegations, and secretaries of delegations;
- (iv) The word "Member" shall be deemed to include a Member or an Associate Member of the Organization as well as territory or group of territories which, without being an Associate Member, is represented and participating in the Regional Committee of the Western Pacific Region of the Organization, in accordance with Article 47 of its Constitution;

(v) The words "principal or subsidiary organs" shall be deemed to include the World Health Assembly, the Executive Board, the Regional Committee in the Western Pacific Region and any of the subdivisions of all these organs as well as the Secretariat and the Regional Office in Manila;

(vi) For the purpose of Sections 4, 6, 16 and 17 the words "freedom of meeting" or "meeting of the Organization" shall be deemed to include all meetings of the principal or subsidiary organs of the Organization as well as all conferences or meetings convened by, or under the authority or auspices of, the Organization in the Republic of the Philippines.

ARTICLE II

JURIDICAL PERSONALITY

Section 2

The Organization shall possess juridical personality and legal capacity and, in particular, capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, and (c) to institute legal proceedings.

ARTICLE III

FREEDOM OF ACTION

Section 3

The Organization and its principal or subsidiary organs shall have in the Republic of the Philippines the independence and freedom of action belonging to an international organization.

Section 4

The Organization, its principal or subsidiary organs as well as its Members and the representatives of Members in their relations with the Organization, shall enjoy in the Republic of the Philippines absolute freedom of meeting including freedom of discussion and decision.

ARTICLE IV

PROPERTY, FUNDS AND ASSETS

Section 5

The Organization and its property and assets located in the Republic of the Philippines shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity is expressly waived by the Director-General of the Organization or the Regional Director as his duly authorized representative. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 6

(1) The premises of the Organization in the Republic of the Philippines or any premises in the Republic of the Philippines occupied by the Organization in connection with a meeting of the Organization shall be inviolable.

(2) Such premises and the property and assets of the Organization in the Republic of the Philippines shall be immune from search, requisition, confiscation, expropriation, and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 7

The archives of the Organization, and in general all documents belonging to it or held by it in the Republic of the Philippines shall be inviolable.

Section 8

(1) Without being restricted by financial controls, regulations or moratoria of any kind: (a) the Organization may hold funds, gold or currency of any kind and operate accounts in any currency; (b) the Organization shall be free to transfer its funds, gold or currency to or from the Republic of the Philippines or within the Republic of the Philippines and to convert any currency held by it into any other currency.

(2) This section shall also apply to Members of the Organization in their relations with the Organization.

Section 9

The Government of the Republic of the Philippines shall provide for the Organization, at the most favourable rate officially recognized, its national currency to the amount required to meet the expenditure of the Organization in the Republic of the Philippines or other parts of the Western Pacific Region.

Section 10

In exercising its rights under Sections 8 and 9, the Organization shall pay due regard to any representations made by the Government of the Republic of Philippines in so far as the Organization considers that effect can be given to such representations without detriment to its interests.

Section 11

The Organization, its assets, income and other property, shall be: (a) exempt from all direct and indirect taxes. It is understood, however, that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services; (b) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of medical supplies, or any other goods or articles imported or exported by the Organization for its official use. It is understood, however, that such medical supplies, goods or articles, imported under such exemption will not be sold in the Republic of the Philippines except under conditions agreed with the Government of the Republic of the Philippines; (c) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of their publications.

Section 12

While the Organization will not, as a general rule, in the case of minor purchases, claim exemption from excise duties, and from taxes on the movable and immovable property which form part of the price to be paid, nevertheless when the Organization is making important purchases for official use of property on which

such duties and taxes have been charged or are chargeable, the Government of the Republic of the Philippines shall make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE V

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 13

The Organization shall enjoy in the Republic of the Philippines for its official communications treatment not less favourable than that accorded by the Government of the Republic of the Philippines 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 14

(1) No censorship shall be applied to the official correspondence and other official communications of the Organization.

(2) The Organization shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE VI

REPRESENTATIVES OF MEMBERS

Section 15

Representatives of Members of the Organization on its principal or subsidiary organs and at conferences or meetings convened by the Organization, 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 despatch or receive papers or correspondence by courier or sealed bags; (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the Republic of the Philippines; (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 members of diplomatic mission of comparable rank; (g) Such other privileges, immunities and facilities not inconsistent with the foregoing as members of diplomatic missions of comparable rank 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 16