

**UNITED NATIONS
and
SWISS FEDERAL COUNCIL**

Interim Arrangement on Privileges and Immunities of the United Nations concluded between the Secretary-General of the United Nations and the Swiss Federal Council. Signed at Berne, on 11 June 1946, and at New York, on 1 July 1946. Approved by the General Assembly of the United Nations on 14 December 1946

French and English official texts communicated by the Secretary-General of the United Nations. The filing and recording took place on 14 December 1946.

**ORGANISATION DES NATIONS UNIES
et
CONSEIL FEDERAL SUISSE**

Arrangement provisoire sur les privilèges et immunités de l'Organisation des Nations Unies conclu entre le Secrétaire général de l'Organisation des Nations Unies et le Conseil fédéral suisse. Signé à Berne, le 11 juin 1946, et à New-York, le 1er juillet 1946. Approuvé par l'Assemblée générale des Nations Unies, le 14 décembre 1946

Textes officiels français et anglais communiqués par le Secrétaire général de l'Organisation des Nations Unies. Le classement et l'inscription au répertoire ont eu lieu le 14 décembre 1946.

No. 8. INTERIM ARRANGEMENT¹ ON PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS CONCLUDED BETWEEN THE SECRETARY-GENERAL OF THE UNITED NATIONS AND THE SWISS FEDERAL COUNCIL

Whereas the General Assembly of the United Nations on 12 February 1946, approved a Common Plan for the transfer of certain assets of the League of Nations to the United Nations which had been previously agreed upon between a Committee set up by the 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 18 April 1946,

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

Article I

JURIDICAL 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.

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.

¹ Came into force 1 July 1946, by signature.

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 or 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 insofar 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 *droit de timbre* on coupons instituted by the Swiss Federal law of 25 June 1921, and from the *impôt anticipé* introduced by the Federal Council decree, 1 September 1943, and supplemented by the Federal Council decree of 31 October 1944. The exemption shall be effected by the repayment to the United Nations of the amount of tax 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, on the understanding that the United Nations will use its good offices to obtain if necessary the consent of any other State which may be concerned, and subject to the provisions of general international conventions and public health measures;

(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 sales taxes included in the price of movable or immovable property. Its intention is to claim this exemption only in the case of important purchases effected by the United Nations for its official purposes where such taxes are included in the price. In cases of this kind, the Swiss Federal Council will make appropriate administrative arrangements for the remission or return of the amount of such 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 censorship 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 its correspondence by courier or 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 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, alien registration or national service obligations;

(e) The same facilities in respect of currency or exchange regulations 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 agents;

(g) Such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic agents 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 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 connexion 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.