

No. 835

**SWITZERLAND
and
INTERNATIONAL CIVIL DEFENCE
ORGANIZATION**

**Agreement concerning the legal status in Switzerland of the
International Civil Defence Organization. Signed at
Berne on 10 March 1976**

Authentic text: French.

Filed and recorded at the request of Switzerland on 13 March 1979.

**SUISSE
et
ORGANISATION INTERNATIONALE DE
PROTECTION CIVILE**

**Accord pour régler le statut juridique en Suisse de l'Orga-
nisation internationale de protection civile. Signé à
Berne le 10 mars 1976**

Texte authentique : français.

Classé et inscrit au répertoire à la demande de la Suisse le 13 mars 1979.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE SWISS FEDERAL COUNCIL AND
THE INTERNATIONAL CIVIL DEFENCE ORGANIZATION
CONCERNING THE LEGAL STATUS OF THAT ORGAN-
IZATION IN SWITZERLAND

The Swiss Federal Council, of the one part, and

The International Civil Defence Organization, of the other part,

Wishing to conclude an agreement to regulate the legal status in Switzerland of the International Civil Defence Organization (ICDO), have agreed on the following provisions:

I. STATUS, IMMUNITIES AND PRIVILEGES OF THE ORGANIZATION

Article 1. PERSONALITY

The Federal Council recognizes the international personality and the legal capacity in Switzerland of the International Civil Defence Organization (hereinafter called the Organization).

Article 2. FREEDOM OF ACTION

1. The Federal Council guarantees to the Organization the independence and freedom of action belonging to it as an international organization.

2. In particular, it recognizes that the Organization and its members in their relations with the Organization enjoy freedom of meeting, discussion and decision.

Article 3. INVIOABILITY

1. The buildings or parts of buildings and the adjoining grounds used for the purposes of the Organization, by whomsoever they may be owned, shall be inviolable. No agent of the Swiss public authority may enter them without the express consent of the Organization. Only the Secretary-General of the Organization or his duly authorized representative shall be competent to waive this right of inviolability.

2. The archives of the Organization and in general all the documents belonging to it or in its possession, which are intended for its official use, shall be inviolable at all times, wherever they may be.

3. The Organization shall be responsible for the control of its premises and for keeping order therein.

*Article 4. IMMUNITY FROM LEGAL PROCESS AND IMMUNITY
FROM OTHER MEASURES*

1. The Organization shall enjoy immunity from penal, civil and administrative process except in so far as this immunity is formally waived by the

¹ Came into force on 16 March 1976, the date on which its approval by the General Assembly of the Organization had been communicated to the Swiss authorities, in accordance with article 27.

Secretary-General or his duly authorized representative. The insertion in a contract of a clause recognizing the jurisdiction of an ordinary Swiss court shall constitute a formal waiver of the immunity. However, in the absence of a clause expressly to the contrary, such a waiver shall not extend to any measure of execution.

2. The buildings or parts of buildings, the adjoining grounds and the assets owned by the Organization or used by the Organization for its purposes, whether or not they are owned by it, shall be immune from any search, requisition, seizure or measure of execution.

Article 5. COMMUNICATIONS

1. The Organization shall enjoy for its official communications treatment not less favourable than that accorded to other international organizations in Switzerland, to the extent compatible with the International Telecommunication Convention.

2. The Organization shall have the right to use codes for its official communications. It shall also have the right to dispatch and receive its correspondence by duly identified couriers or bags which shall have the same immunities and privileges as diplomatic couriers and bags.

3. No censorship shall be applied to the duly authenticated official correspondence and other communications of the Organization.

4. The operation of the telecommunications installations must be coordinated on the technical level with the PTT Swiss company.

Article 6. PUBLICATIONS

The import and export of publications of the Organization shall not be subject to any restrictive measures.

Article 7. FISCAL POSITION

1. The Organization, its assets, income and other property shall be exempt from direct federal, cantonal and communal taxation. With regard to immovable property, however, such exemption shall apply only to that which is owned by the Organization and which is occupied by its services and to income derived therefrom. The Organization may not be exempted from any tax on the rent which it pays for premises rented by it and occupied by its services.

2. The Organization shall be exempt from indirect federal, cantonal and communal taxation. With regard to federal turnover tax, however, whether included in the price or patently transferred, the exemption shall apply only to purchases intended for the official use of the Organization, provided that the amount invoiced for one and the same purchase exceeds one hundred Swiss francs.

3. The Organization shall be exempt from all federal, cantonal and communal charges which do not represent charges for specific services rendered.

4. If necessary, the exemptions mentioned above may be applied by way of reimbursement at the request of the Organization and in accordance with a procedure to be determined by the Organization and the competent Swiss authorities.

Article 8. CUSTOMS POSITION

The customs clearance of articles intended for the Organization shall be governed by the customs regulations of the Federal Council which are applicable to international organizations and which are an integral part of this Agreement.

Article 9. FREE DISPOSAL OF FUNDS

1. The Organization may receive, hold, convert and transfer funds, gold and any notes, specie and securities of any kind, and may dispose of them freely both within Switzerland and in its relations with other countries.

2. The present article also applies to States members of the Organization in their relations with the Organization.

Article 10. PENSION FUNDS AND SPECIAL FUNDS

1. Any pension fund or provident fund conducted under the authority of the Organization shall enjoy legal capacity in Switzerland provided it observes the forms prescribed for this purpose by Swiss law. In so far as it acts on behalf of officials of the Organization, it shall be accorded the same exemptions, immunities and privileges as accorded to the Organization itself.

2. Funds and foundations with or without separate legal status, administered under the auspices of the Organization and devoted to its official purposes, shall be given the benefit of the same exemptions, immunities and privileges as the Organization itself with regard to all other properties except immovable property.

Article 11. SOCIAL INSURANCE

The Organization shall be exempt from all compulsory contributions to general social insurance funds such as equalization, unemployment insurance and workmen's compensation funds, etc., on the understanding that the Organization will, so far as possible, and under conditions to be agreed upon, insure with Swiss social insurance funds those of its agents who are not assured of equivalent social protection by the Organization.

II. IMMUNITIES AND FACILITIES GRANTED TO PERSONS CALLED UPON TO SERVE THE ORGANIZATION IN AN OFFICIAL CAPACITY

Article 12. STATUS OF REPRESENTATIVES OF STATES MEMBERS OF THE ORGANIZATION

1. The representatives of States members of the Organization, called upon to serve the Organization in an official capacity, shall enjoy during the exercise of their functions in Switzerland and during their journeys to and from the place of meeting, the immunities and privileges granted to representatives of States to international organizations. However, the privileges and facilities with regard to customs shall be granted in conformity with customs regulations.

2. Privileges and immunities are accorded to the representatives of States members of the Organization not for their personal benefit but in order to safeguard the independent exercise of their functions in connection with the Organization. Consequently, a State member of the Organization not only has the right but is under a duty to waive the immunity of its representative in any