

No. 3703

**UNITED NATIONS
and
THAILAND**

**Agreement (with annexed plan and related letter) relating
to the headquarters of the Economic Commission for
Asia and the Far East in Thailand. Signed at Geneva,
on 26 May 1954**

Official text: English.

Registered ex officio on 6 February 1957.

**ORGANISATION DES NATIONS UNIES
et
THAÏLANDE**

**Accord (avec plan annexé et lettre y relative) relatif au
siège de la Commission économique pour l'Asie et
l'Extrême-Orient en Thaïlande. Signé à Genève, le
26 mai 1954**

Texte officiel anglais.

Enregistré d'office le 6 février 1957.

No. 3703. AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF THAILAND RELATING TO THE HEADQUARTERS OF THE ECONOMIC COMMISSION FOR ASIA AND THE FAR EAST IN THAILAND. SIGNED AT GENEVA, ON 26 MAY 1954

In view of the desire of the United Nations to establish the office of the Economic Commission for Asia and the Far East in Bangkok, Thailand, and in order to facilitate the effective discharge of its functions, the Government of the Kingdom of Thailand and the United Nations have agreed as follows :

Article I

DEFINITIONS

Section 1

In this Agreement :

(a) The expression "the ECAFE" means the United Nations Economic Commission for Asia and the Far East including its secretariat ;

(b) The expression "the Government" means the Government of Thailand

(c) The expression "Executive Secretary" means the Executive Secretary of the United Nations Economic Commission for Asia and the Far East or his authorized representative ;

(d) The expression "appropriate Thai authorities" means the officials of the Thailand Foreign Office, except where otherwise expressly indicated ;

(e) The expression "laws of Thailand" includes legislative acts, and decrees, regulations or orders, issued by or under authority of the Government or appropriate Thai authorities ;

(f) The expression "working site" means the area occupied by the United Nations Economic Commission for Asia and the Far East as defined in the Annex² to this Agreement, including any buildings which are constructed or which may be constructed therein ;

(g) The expression "archives of the ECAFE" means the records and correspondence, documents, manuscripts, still and moving pictures and films, and sound recordings, belonging to or held by the ECAFE ;

¹ Came into force on 6 February 1957, the date of its ratification by the Government of Thailand, in accordance with article XIV (a).

² See insert in a pocket at the end of this volume.

(h) The expression "Officials of the ECAFE" means all staff members of the United Nations Secretariat, other than manual workers locally recruited, who are at any time working with the ECAFE, and whose names are communicated from time to time to the appropriate Thai authorities ;

(i) The expression "property" as used in this Agreement means all property including funds and assets, belonging to the ECAFE or held or administered by the ECAFE in furtherance of its constitutional functions, and all income of the ECAFE ;

(j) The expression "General Convention" means the Convention on the Privileges and Immunities of the United Nations as adopted by the General Assembly of the United Nations on 13 February 1946¹ when acceded to by the Government ;

(k) The expression "representatives of governments" shall be deemed to apply to delegates, deputy delegates, advisers, technical experts and secretaries of delegations, and to include the family of resident representatives.

Article II

JURIDICAL PERSONALITY AND CAPACITY

Section 2

The United Nations acting through the ECAFE shall have the capacity :

- (a) To contract ;
- (b) To acquire and dispose of immovable and movable property ;
- (c) To institute legal proceedings.

Article III

CONTROL OF WORKING SITE

Section 3

The working site shall be inviolable, and shall be under the control and authority of the ECAFE, as provided in this Agreement.

Section 4

(a) Officers or officials of the Government, whether administrative, judicial, military or police shall not enter the working site to perform any official duties

¹ United Nations, *Treaty Series*, Vol. 1, pp. 15 and 263 ; Vol. 4, p. 461 ; Vol. 5, p. 413 ; Vol. 6, p. 433 ; Vol. 7, p. 353 ; Vol. 9, p. 398 ; Vol. 11, p. 406 ; Vol. 12, p. 416 ; Vol. 14, p. 490 ; Vol. 15, p. 442 ; Vol. 18, p. 382 ; Vol. 26, p. 396 ; Vol. 42, p. 354 ; Vol. 43, p. 335 ; Vol. 45, p. 318 ; Vol. 66, p. 346 ; Vol. 70, p. 266 ; Vol. 173, p. 369 ; Vol. 177, p. 324 ; Vol. 180, p. 296 ; Vol. 202, p. 320 ; Vol. 214, p. 348 ; Vol. 230, p. 427 ; Vol. 231, p. 347 ; Vol. 247, Vol. 248, Vol. 252, and Vol. 254.

therein except with the consent of and under conditions agreed to by the Executive Secretary ;

(b) Without prejudice to the provisions of Article VIII, the ECAFE shall prevent the working site from being used as a refuge by persons who are avoiding arrest under any law of Thailand, or who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process or a judicial proceeding ;

(c) The archives of the ECAFE and in general all documents belonging to, or held by the ECAFE, shall be inviolable.

Section 5

(a) The appropriate Thai authorities shall exercise due diligence to ensure that the tranquillity of the working site is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in its immediate vicinity, and shall cause to be provided on the boundaries of the working site such police protection as is required for these purposes ;

(b) If so requested by the Executive Secretary, the appropriate Thai authorities shall provide a sufficient number of police for the preservation of law and order in the working site, and for the removal therefrom of persons as requested under the authority of the ECAFE.

Article IV

PROPERTY, FUNDS AND ASSETS

Section 6

The United Nations shall in respect of the ECAFE and its property, wherever located and by whomsoever held, enjoy immunity from every form of legal process except in so far as in any particular case the United Nations shall have expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 7

The working site and the property of the ECAFE 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 8

The assets, income and other property of the United Nations shall be exempt :

(a) From any form of direct taxation. The ECAFE, however, will not claim exemption from taxes which are, in fact, no more than charges for public utility services ;

(b) From customs duties and from prohibitions and restrictions on imports and exports in respect of articles imported or exported by the ECAFE for its official use, on the understanding that articles imported under such immunity shall not be sold within the country except in accordance with conditions to be mutually agreed upon ;

(c) From customs duties and prohibitions and restrictions in respect of the import and export of its publications.

Section 9

The United Nations shall be exempt from excise duties, sales, and luxury taxes and all other indirect taxes when it is making important purchases for official use by the ECAFE of property on which such duties or taxes are normally chargeable. However, the ECAFE 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, and cannot be identified separately from the sales price.

Section 10

- (a) Without any financial controls, regulations or moratoria of any kind,
- (i) the ECAFE may hold funds, gold or currency of any kind and operate foreign currency accounts in any currency ;
 - (ii) the ECAFE shall be free to transfer its funds, securities, gold or currency from one country to another or within Thailand and to convert any currency held by it into any other currency ;
- (b) The ECAFE shall, in exercising its rights under this section pay due regard to any representations made by the Government insofar as effect can be given to such representations without detriment to the interests of the ECAFE.

Article V

COMMUNICATIONS

Section 11

The ECAFE shall enjoy for its official communications treatment not less favourable than that accorded by the Government to any other government or organization, including foreign diplomatic missions in Thailand.

Section 12

The ECAFE shall be entitled, for its official purposes, to use the transport facilities of the Government under the same conditions as may be granted to resident diplomatic missions.