

**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.*

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**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 ARRANGEMENT<sup>1</sup> ON PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS CONCLUDED BETWEEN THE SECRETARY-GENERAL OF THE UNITED NATIONS AND THE SWISS FEDERAL COUNCIL

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*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.

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<sup>1</sup> 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.

SECTION 13. In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisors, 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 acts performed by them in their official capacity;

(b) Be exempt from taxation on the salaries and emoluments paid to them by the United Nations;

(c) Be immune from national service obligations, subject to the special provisions contained in the Annex to the present Arrangement concerning officials of Swiss nationality;

(d) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions 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 agents;

(g) Have the right to import free of duty their furniture and effects on the occasion of first taking up their post in Switzerland.

SECTION 16. In addition to the immunities and privileges specified in Section 15, the Secretary-General and all Assistant Secretaries-General and, if the Secretary-General should so desire, the chief administrative officer of the United Nations in Switzerland, shall be accorded in respect of them-

selves, their spouses and minor children, the privileges and immunities, exemption and facilities accorded to diplomatic envoys in accordance with international law.

SECTION 17. Privileges and immunities are granted to officials in the interests 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 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 connexion 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 exercise of their functions during the period of their missions, including the time spent on journeys in connexion 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 missions for the United Nations;

(c) Inviolability for all papers and documents;

(d) For the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(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.

SECTION 20. Privileges and immunities are granted to experts in the interests 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-passer to its officials. These laissez-passer shall be recognized and accepted as valid travel documents by the Swiss authorities taking into account the provisions of Section 22.

SECTION 22. Applications for visas (where required) from the holders of United Nations laissez-passer, 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 holders of United Nations laissez-passer, 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-passer 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 to the comparable officials 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 provision 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 dispute between the United Nations and the Swiss Federal Council concerning the interpretation or application of this Interim Arrangement or of any supplementary arrangement or agreement which is not settled by negotiation shall be submitted for decision to a board of three arbitrators of whom the first shall be appointed by the Swiss Federal Council, the second by the Secretary-General of the United Nations, and a 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 Interim Arrangement shall enter into force immediately upon its signature on behalf of the Swiss Federal Council and by the Secretary-General of the United Nations or on his behalf.

SECTION 29. The provisions of this Interim Arrangement 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, or any section, of this Arrangement. In this case, unless the Secretary General and the Swiss Federal Council otherwise agree, the Arrangement or the sections in question shall remain in force for three months from the date of such denunciation.

Done and signed at Berne, on 11 June 1946, and at New York, on 1 July 1946, in four copies, two in French and two in English, the texts in both languages being equally authentic.

For the United Nations:

Trygve LIE

For the Swiss Confederation:  
The Head of the Federal Political  
Department:

MAX PETITPIERRE

## ANNEX TO THE ARRANGEMENT

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 or some other appropriate measure.
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