

SWITZERLAND
and
WORLD HEALTH ORGANIZATION

Agreement concerning the legal status of the World Health Organization and Arrangement for the execution of the said Agreement, approved by the First World Health Assembly on 17 July 1948 and by the Swiss Federal Council on 21 August 1948, and an Exchange of Notes relating to the entry into force of the Agreement and Arrangement. Berne, 23 December 1948, and Geneva, 12 January 1949

French official text communicated by the Director-General of the World Health Organization. The filing and recording took place on 29 March 1949.

SUISSE
et
ORGANISATION MONDIALE DE LA SANTE

Accord concernant le statut juridique de l'Organisation mondiale de la santé et Arrangement en vue de l'exécution dudit accord, approuvés par la première Assemblée mondiale de la santé le 17 juillet 1948 et par le Conseil fédéral suisse le 21 août 1948 et un échange de notes relatif à l'entrée en vigueur de l'Accord et de l'Arrangement. Berne, 23 décembre 1948, et Genève, 12 janvier 1949

Texte officiel français communiqué par le Directeur général de l'Organisation mondiale de la santé. Le classement et l'inscription au répertoire ont eu lieu le 29 mars 1949.

TRANSLATION — TRADUCTION

No. 155. AGREEMENT¹ BETWEEN THE SWISS FEDERAL COUNCIL AND THE WORLD HEALTH ORGANIZATION CONCERNING THE LEGAL STATUS OF THE WORLD HEALTH ORGANIZATION AND ARRANGEMENT FOR THE EXECUTION OF THE SAID AGREEMENT, APPROVED BY THE FIRST WORLD HEALTH ASSEMBLY ON 17 JULY 1948 AND BY THE SWISS FEDERAL COUNCIL ON 21 AUGUST 1948, AND AN EXCHANGE OF NOTES RELATING TO THE ENTRY INTO FORCE OF THE AGREEMENT AND ARRANGEMENT. BERNE, 23 DECEMBER 1948, AND GENEVA, 12 JANUARY 1949

I

A G R E E M E N T

BETWEEN THE SWISS FEDERAL COUNCIL AND THE WORLD HEALTH ORGANIZATION CONCERNING THE LEGAL STATUS OF THE WORLD HEALTH ORGANIZATION IN SWITZERLAND

The Swiss Federal Council, of the one part, and

The World Health Organization, of the other,

wishing to conclude an agreement to regulate the legal status of the World Health Organization in Switzerland, have agreed on the following provisions:

Article 1

FREEDOM OF ACTION OF THE WHO

The Swiss Federal Council guarantees to the World Health Organization the independence and freedom of action belonging to it as an international institution.

Article 2

PERSONALITY OF THE WHO

The Swiss Federal Council recognizes the international personality and legal capacity in Switzerland of the World Health Organization.

¹ The agreement, in accordance with article 28, and the arrangement, in accordance with article 14, came into force on 21 August 1948. According to the terms of the notes, both the agreement and the arrangement became effective retroactively as of 17 July 1948.

Article 3

IMMUNITIES OF THE WHO

The World Health Organization enjoys the immunities known in international law as diplomatic immunities.

Article 4

EXTERRITORIALITY OF THE GROUNDS AND BUILDINGS

The Swiss Federal Council recognizes the extritoriality of the grounds and buildings of the World Health Organization and of all buildings occupied by it in connexion with meetings of the World Health Organization or any other meeting convened in Switzerland by the World Health Organization.

Article 5

FREEDOM OF MEETING

The Swiss Federal Council recognizes that the World Health Organization and its members in their relations with the Organization enjoy absolute freedom of meeting, including freedom of discussion and decision.

Article 6

IMMUNITY FROM LEGAL PROCESS AND IMMUNITY FROM OTHER MEASURES

1. The World Health Organization, its properties and assets, wherever they may be or by whomsoever they may be held, shall enjoy immunity from every form of legal process except in so far as this immunity is formally waived by the Director-General of the World Health Organization or his duly authorized representative.

2. The property and assets of the World Health Organization, wherever they may be and by whomsoever they may be held, shall enjoy immunity from every measure of perquisition, requisition, confiscation, expropriation or any other form of seizure or interference by any public authority, whatsoever its nature.

Article 7

INVIOLABILITY OF GROUNDS AND BUILDINGS

The grounds and buildings of the World Health Organization are inviolable. No agent of the Swiss public authority may enter them without the express consent of the World Health Organization.

Article 8

INVIOIABILITY OF THE ARCHIVES

The archives of the World Health Organization and all documents belonging to it or in its possession are inviolable.

Article 9

PUBLICATIONS

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

Article 10

FISCAL POSITION OF THE WHO

The World Health Organization is exonerated from direct and indirect taxes, federal, cantonal and communal, on buildings of which it is the owner and which are occupied by its services, as well as on its movable property, it being understood that the World Health Organization does not claim exemption from charges corresponding to a service rendered by a public authority.

Article 11

FREE DISPOSAL OF FUNDS

1. The World Health Organization may receive and hold funds, notes, coins 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 members of the World Health Organization in their relations with the Organization.

Article 12

OFFICIAL COMMUNICATIONS

The World Health Organization shall enjoy for its official communications treatment not less favourable than that accorded to diplomatic missions in Switzerland in respect of:

- (a) All priorities for communications and transport;
- (b) Postal, telegraphic, radio-telegraphic, telephonic, radio-telephonic and telephotographic tariffs, etc.

Article 13

EXEMPTION FROM CENSORSHIP

No censorship shall be applied to the duly authenticated official communications of the World Health Organization, whatever the means of communication employed.

Article 14

FREEDOM OF ACCESS AND SOJOURN

1. The Swiss Authorities shall take the necessary measures to facilitate the entry into, sojourn in, and departure from Swiss territory of all persons having official business with the World Health Organization, that is to say:

- (a) Representatives of Member States, whatever may be the relations between Switzerland and the said States;
- (b) Members of the Executive Board of the World Health Organization, irrespective of nationality;
- (c) Agents and officials of the World Health Organization;
- (d) Other persons, irrespective of nationality, summoned by the World Health Organization.

2. Any police regulations tending to restrict the entry of foreigners into Switzerland or to regulate the conditions of their sojourn shall not apply to the persons covered by the present article.

*Article 15*IMMUNITIES OF THE REPRESENTATIVES OF MEMBERS AND OF THE
EXECUTIVE BOARD

The representatives of the Members of the World Health Organization and members of the Executive Board who are in Switzerland on official business shall enjoy the following privileges and immunities:

- (a) Inviolability of the person, place of residence and all objects belonging to the person concerned;
- (b) Immunity from jurisdiction;
- (c) Fiscal immunity corresponding to that accorded to diplomatic agents in accordance with international usage as accepted in Switzerland;
- (d) Customs facilities corresponding to those accorded to diplomatic agents in accordance with international usage as accepted in Switzerland;

- (e) The right to use cyphers in official communications and to reserve and send documents and correspondence by courier or duly sealed diplomatic bags;
- (f) Exemption from exchange restrictions under conditions identical to those accorded to diplomatic agents of foreign Governments on temporary mission.

Article 16

DIPLOMATIC IMMUNITIES OF THE DIRECTOR-GENERAL AND CERTAIN OFFICIALS

The Director-General of the World Health Organization and certain officials of the categories designated by him and agreed to by the Swiss Federal Council shall enjoy the privileges, immunities, exemptions and facilities granted to diplomatic agents in accordance with international law and custom.

Article 17

IMMUNITIES AND FACILITIES ACCORDED TO ALL OFFICIALS

All officials of the World Health Organization, irrespective of nationality, shall enjoy the following immunities and facilities:

- (a) Exemption from jurisdiction for all acts performed in the discharge of their duties;
- (b) Exoneration from all federal, cantonal and communal taxes on salaries, emoluments and indemnities paid to them by the World Health Organization.

Article 18

EXEMPTIONS AND FACILITIES ACCORDED TO OFFICIALS NOT OF SWISS NATIONALITY

Officials of the World Health Organization who are not of Swiss nationality shall enjoy the immunities, exemptions and facilities enumerated in the arrangements for the execution of the present agreement.

Article 19

PENSIONS FUND, ETC.

1. Any pensions fund or provident fund conducted under the authority of the World Health Organization shall enjoy legal capacity in Switzerland, if it so requests, and shall enjoy the same exemptions, immunities and privileges as the Organization itself.

2. Funds and foundations with or without separate legal status, administered under the auspices of the World Health Organization and devoted to its official objectives, are given the benefit of the same exemptions, immunities and privileges as the Organization itself, with regard to all other properties except real estate.

Article 20

FORMER ARRANGEMENTS

In so far as they are not modified by the present agreement, the *modus vivendi* and the supplementary arrangements concluded between the Federal Political Department and the League of Nations shall continue to apply *mutatis mutandis* to the World Health Organization.

Article 21

OBJECT OF THE IMMUNITIES

1. The immunities provided for in the present agreement in respect of officials of the World Health Organization are not designed for the personal benefit of those officials but solely to ensure the free functioning of the World Health Organization and the complete independence of its agents in all circumstances.

WAIVING OF THE IMMUNITIES

2. The Director-General of the World Health Organization has the right and duty to waive the immunity of any official in any case in which he considers that such immunity would impede the course of justice and could be waived without prejudice to the interests of the World Health Organization.

Article 22

PREVENTION OF ABUSES

The World Health Organization shall co-operate at all times with the Swiss authorities to facilitate the proper administration of justice, secure the observance of police regulations and prevent any abuse in connexion with the privileges, immunities and facilities provided for in this agreement.

Article 23

DISPUTES OF A PRIVATE NATURE

The World Health Organization shall make provisions for appropriate methods of settlement of:

- (a) Disputes arising out of contracts and disputes of a private law character to which the World Health Organization is a party;

- (b) Disputes involving an official of the World Health Organization who by reason of his official position enjoys immunity, if such immunity has not been waived by the Director-General.

Article 24

NON-RESPONSIBILITY OF SWITZERLAND

Switzerland shall not incur by reason of the activity of the World Health Organization on its territory any international responsibility for acts or omissions of the Organization or of its agents acting or abstaining from acting within the limits of their functions.

Article 25

SECURITY OF SWITZERLAND

1. Nothing in the present agreement shall affect the right of the Swiss Federal Council to take the precautions necessary for the security of Switzerland.

2. If the Swiss Federal Council considers it necessary to apply the first paragraph of this article, it shall approach the World Health Organization as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary to protect the interests of the World Health Organization.

3. The World Health Organization shall collaborate with the Swiss authorities to avoid any prejudice to the security of Switzerland resulting from its activity.

Article 26

EXECUTION OF THE AGREEMENT BY SWITZERLAND

The Federal Political Department is entrusted with the execution by the Swiss Confederation of this agreement and the arrangement for its execution.

Article 27

JURISDICTION

1. Any divergence of opinion concerning the application or interpretation of this agreement or the arrangement for its execution which has not been settled by direct conversations between the parties may be submitted by either party to a tribunal of three members, which shall be established on the coming into force of this agreement.

2. The Swiss Federal Council and the World Health Organization shall each choose one member of the tribunal.

3. The judges so appointed shall choose their president.
4. In the event of disagreement between the judges on the choice of president, the president shall be chosen by the President of the International Court of Justice at the request of the members of the tribunal.
5. The tribunal may be seized of an application by either party.
6. The tribunal shall determine its own procedure.

Article 28

COMING INTO FORCE

This agreement shall come into force as soon as it has been approved by the Swiss Federal Council and the competent authority of the World Health Organization.

Article 29

MODIFICATION OF THE AGREEMENT

1. This agreement may be revised at the request of either party.
2. In this event, the two parties shall consult each other concerning the modifications to be made in its provisions.
3. If the negotiations do not result in an understanding within one year, the agreement may be denounced by either party giving two years' notice.

Article 30

ARRANGEMENT FOR EXECUTION

The provisions of this agreement are completed by the arrangement for its execution.

II

ARRANGEMENT FOR THE EXECUTION

OF THE AGREEMENT MADE BETWEEN THE SWISS FEDERAL COUNCIL AND THE
WORLD HEALTH ORGANIZATION CONCERNING THE LEGAL STATUS OF THE WORLD
HEALTH ORGANIZATION IN SWITZERLAND

Article 1

CUSTOMS INSPECTION

The World Health Organization enjoys complete exemption from customs, statistical and similar duties on all goods for its official use, imported or exported by it, it being understood that objects imported in franchise may only be sold in Switzerland under conditions fixed by agreement between the World Health Organization and the Swiss Federal Council.

Article 2

IMPORT AND EXPORT OF GOODS

The Swiss Federal Council recognizes, so far as it is concerned, that the provisions and restrictions on the import and export of goods are not applicable to objects for the official use of the World Health Organization and necessary for its work, subject to the provisions of general international conventions and measures of a sanitary character, it being understood that it is for the World Health Organization to obtain any consent from other States which may be necessary to make this exemption effective.

Article 3

SOCIAL INSURANCE

The World Health Organization is exempt from all compulsory contributions to general social insurance funds such as equalization, unemployment insurance and workmen's compensation funds, etc., it being understood that the World Health 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 World Health Organization itself.

Article 4

FREE DISPOSAL OF FUNDS

1. The World Health Organization may hold accounts in all currencies.

2. The World Health Organization may freely transfer abroad funds, notes, specie and securities.

3. The World Health Organization may convert all moneys held by it into other currencies.

4. The Swiss Federal Council will have regard to the provisions of the preceding paragraphs of this article in its negotiations with foreign governments concerning the transfer of funds and goods.

Article 5

CYPHERS, COURIER, DIPLOMATIC BAG

1. The World Health Organization may use cyphers in its communications.

2. The World Health Organization is entitled to use couriers and diplomatic bags under the same conditions as foreign governments.

Article 6

PRESS COMMUNICATIONS

The World Health Organization shall enjoy the preferential tariffs applicable to press communications, in accordance with the International Telecommunications Convention, for its communications addressed directly or through an intermediary to the Press and radio.

Article 7

FREEDOM OF ACCESS AND SOJOURN

1. For the purpose of facilitating the entry into Switzerland of the persons enumerated in article 14 of the agreement, Swiss legations and consulates abroad shall be given general instructions in advance to grant visas on production of a passport or any equivalent identity and travel document and of a document sufficient to establish the official relationship of the applicant to the World Health Organization.

2. Swiss legations and consulates will be given instructions to grant visas without any delay or waiting period and without requiring the personal attendance of the applicant or the payment of charges.

3. The provisions of article 14 of the agreement and of this article shall apply in the same conditions to the wife and children of the person concerned if they live with him and do not exercise professions.

Article 8

IDENTITY CARD

The Federal Political Department shall furnish each official of the World Health Organization with an identity card bearing the photograph of the holder. This card, authenticated by the Federal Political Department and the World Health Organization, shall serve to identify the official in relation to all federal, cantonal and communal authorities.

Article 9

FACILITIES ACCORDED TO OFFICIALS NOT OF SWISS NATIONALITY

Officials of the World Health Organization who are not of Swiss nationality shall enjoy the following exemptions and facilities:

- (a) Exemption from all customs, statistical and import duties on all objects, whether used or new, brought by the official on his first installation or on his return to Switzerland after a minimum absence of three years;
- (b) Exemption from exchange restrictions under conditions identical with those accorded to diplomatic agents accredited to the Federal Council;
- (c) In the event of international crisis, repatriation facilities for the officials and members of their families, identical with those accorded to the members of diplomatic missions accredited to the Federal Council;
- (d) Exoneration from federal, cantonal and communal taxes, in accordance with the usages established for the non-Swiss personnel of the international institutions in Geneva;
- (e) Exemption, on application by the Director-General of the World Health Organization and in agreement with the Federal Political Department from customs duties on imported motor-cars, it being understood that this facility may not be used more often than once in three years as a maximum and that the customs duties will be due, in the event of the sale, or the disposal of the motor-car, to a person not entitled to this exemption before the expiry of an interval to be determined by common agreement between the Swiss Federal Council and the World Health Organization;
- (f) The customs examination of luggage will, as in the case of the Diplomatic Corps, be limited to the strict minimum.

Article 10

MILITARY SERVICE

1. The Director-General of the World Health Organization will communicate to the Swiss Federal Council a list of the officials of Swiss nationality who are subject to military obligations.

2. The Director-General of the World Health Organization and the Swiss Federal Council will draw up by common agreement a restricted list of officials of Swiss nationality who, on account of their functions, will be accorded dispensations from military service.

3. In the event of the mobilization of other Swiss officials, the World Health Organization may request through the Federal Political Department a postponement of call-up or any other appropriate measures.

Article 11

DIPLOMATIC PASSPORTS

Officials of Swiss nationality, of the categories fixed by common agreement between the Director-General of the World Health Organization and the Swiss Federal Council, who travel on official mission or reside abroad on account of their functions shall be entitled to diplomatic passports issued by the Federal Political Department.

Article 12

PENSIONS FUND, ETC.

1. Capital sums due, by the pensions fund or any other provident fund, to the agents, officials or employees of the World Health Organization, in any circumstances, including the termination, interruption or suspension of their services, shall be exempt at the time of payment from all Swiss taxes on capital and income.

2. The same principle shall apply to all indemnities for sickness, accidents, etc., paid to agents, officials or employees of the World Health Organization.

Article 13

POSTAGE STAMPS

1. The Swiss federal authorities shall issue special stamps for the use of the World Health Organization within the limits allowed by the Universal Postal Union Conventions.

2. The conditions of issue will be determined by mutual agreement, on the basis of arrangements in that respect existing with other international institutions established in Geneva.

Article 14

COMING INTO FORCE

The present arrangement shall come into force as soon as it has been approved by the Swiss Federal Council and the Executive Council of the World Health Organization.

Article 15

MODIFICATION OF THE ARRANGEMENT

1. This arrangement may be revised at the request of either party.
2. In this event the two parties shall consult each other concerning the modifications to be made in the provisions of the arrangement.
3. If the negotiations do not result in an understanding within one year, the arrangement may be denounced by either party giving two years' notice.

III

EXCHANGE OF NOTES

RELATING TO THE ENTRY INTO FORCE OF AN AGREEMENT CONCERNING THE LEGAL STATUS OF THE WORLD HEALTH ORGANIZATION IN SWITZERLAND AND ARRANGEMENT FOR THE EXECUTION OF THE SAID AGREEMENT

A

FEDERAL POLITICAL DEPARTMENT

Berne, 23 December 1948

Sir,

I have the honour to acknowledge the receipt of your letter of 14 December 1948, by which you transmitted to us the French text and English translation of the agreement concluded between the Federal Council and your Organization, concerning the legal status of the Organization in our territory, together with the arrangement for its execution.

In accordance with your request, we have compared the French copy with the original, and find it in full conformity. We have likewise examined the

English text and have no objections to raise. For order's sake we should precise that the French text alone shall be binding in the case of any dispute.

With regard to the date of the conclusion of this agreement and of the arrangement for its execution, we suggest that it be considered as of 21 August 1948, that is to say the date of final approval of the two texts by the Federal Council. It remains understood that the date of entry into force has been settled retroactively as from 17 July 1948.

Please accept, Sir, the assurances of our high consideration.

For the Federal Political Department
International Organizations
(Signed) Ph. ZUTTER

Annexes:

2 Texts returned

Dr. Brock Chisholm
Director-General of the World Health Organization
Palais des Nations
Geneva

B

OFFICE OF THE DIRECTOR-GENERAL

12 January 1949

Sir,

I have the honour to acknowledge the receipt of your letter of 23 December 1948 (ref.o.B.63.45.42.1.0.—MX.) by which you inform me that the French text of the agreement and the arrangement for its execution, concluded by the Federal Council and the World Health Organization concerning the legal status of the Organization in Switzerland, as submitted to you, is in conformity with the original. I may therefore proceed to the registration with the United Nations of the two diplomatic acts concerned.

As you have stated, the French text alone shall be binding in the event of any dispute.

I have noted your request that 21 August 1948 should be considered as the date of the conclusion of this agreement and the arrangement for its execution; this date is that of final approval of the two acts by the Federal Council. On the other hand, the date of entry into force has been settled retroactively

as from 17 July 1948, the date of the approval of the two texts referred to by the World Health Assembly.

Please accept, Sir, the assurances of my high consideration.

Brock CHISHOLM, M.D.
Director-General

The Federal Counsellor
Head of the Federal Political Department
Berne
