

No. 443

**UNITED NATIONS
and
JAPAN**

Agreement on privileges and immunities of the United Nations. Signed at Tokyo, on 25 July 1952

Official text: English.

Filed and recorded by the Secretariat on 25 July 1952.

**ORGANISATION DES NATIONS UNIES
et
JAPON**

Accord relatif aux privilèges et immunités des Nations Unies. Signé à Tokyo, le 25 juillet 1952

Texte officiel anglais.

Classé et inscrit au répertoire par le Secrétariat le 25 juillet 1952.

No. 443. AGREEMENT¹ BETWEEN THE UNITED NATIONS AND JAPAN ON PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS. SIGNED AT TOKYO, ON 25 JULY 1952

WHEREAS Article 104 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes; and

WHEREAS Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes, and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization; and

WHEREAS the United Nations has found it essential to maintain offices in Japan, in particular for the purpose of servicing its missions in Korea and it is necessary for United Nations representatives and officials to pass through Japan en route to and from their missions in Korea; and

WHEREAS Japan, desiring to cooperate toward the furtherance of the cause of the United Nations, wishes to accord to the United Nations, as represented at any time in the territory of Japan by its various organs, and to the representatives of the Members of the United Nations and officials of the Organization located in or passing through Japan, those privileges and immunities which in accordance with Articles 104 and 105 of the Charter must be regarded as necessary for the exercise of the functions of the United Nations and the fulfillment of its purposes;

NOW, THEREFORE, the United Nations and Japan have agreed as follows :

Article I

(1) The United Nations shall enjoy in the territory of Japan such privileges and immunities as are defined in Articles I, II and III of the Convention on the

¹ Came into force on 25 July 1952, as from the date of signature, in accordance with article X.

Privileges and Immunities of the United Nations,¹ hereinafter called "the General Convention".

(2) Privileges and immunities granted under Sections 5 and 7, Article II of the General Convention shall not extend to financial and commercial transactions going beyond the normal necessities of diplomatic missions, such, for example, as bulk purchases of relief goods in Japan by the United Nations Korean Reconstruction Agency, which would be of a commercial nature and could form the subject of special agreements between the United Nations Korean Reconstruction Agency and the competent authorities of the Japanese Government.

Article II

The following representatives of Member States exercising their official functions in Japan or passing through Japan to or from Korea and the following officials of the United Nations and its specialized agencies :

- a. representatives of Member States serving on any United Nations missions in Korea and the members of their delegations,
- b. the Secretary-General and Assistant Secretaries-General of the United Nations,
- c. representatives of organs of the United Nations,
- d. the Agent General, the Deputy Agent General and other officials of the United Nations Korean Reconstruction Agency,
- e. personal representatives of the Secretary-General, Principal Secretaries and other United Nations Secretariat officials of organs of the United Nations,
- f. any further United Nations Secretariat officials, and
- g. any officials of the United Nations specialized agencies serving on any United Nations missions in Korea shall enjoy the privileges and immunities, exemptions and facilities provided for in Articles IV and V of the General Convention.

Article III

Experts (other than officials coming within the scope of Article II but including officials of voluntary agencies) performing missions for the United Nations in Japan or passing through Japan shall be accorded such privileges and immunities as are defined in Article VI of the General Convention.

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, and Vol. 70, p. 266.

Article IV

The names of representatives, officials and experts referred to in Articles II and III of this Agreement shall from time to time be communicated to the Government of Japan by the Secretary-General of the United Nations or by the heads of the organizations concerned.

Article V

The United Nations *laissez-passer* shall be recognized and accepted as a valid travel document by Japan in accordance with the provisions of Article VII of the General Convention. The holders of United Nations *laissez-passer* shall be granted facilities for speedy travel.

Article VI

The United Nations shall be accorded every facility for the use of commercial radio and wire services, including the right to direct wires from the United Nations offices to the International Telegraph Office in Tokyo, and the Government of Japan shall accord to the United Nations for its official communications a priority in accordance with the regulations annexed to the International Telecommunication Convention.

Article VII

Any dispute between the United Nations and Japan concerning the interpretation of this Agreement which is not settled by negotiation or other agreed means of settlement shall be referred for final settlement to a Tribunal of three arbitrators, one to be named by the Secretary-General, one by Japan, and the third to be chosen by the first two. If the two arbitrators should fail to agree on the choice of a third, or if one party should fail to appoint an arbitrator, the President of the International Court of Justice may be asked by one party to appoint an arbitrator. The failure of one party to appoint an arbitrator shall not preclude the making of a binding award by the other two.

Article VIII

Nothing in this Agreement shall in any way prejudice or detract from the privileges and immunities granted under any other agreement between the United Nations or its various organs on the one hand and Japan on the other.

Article IX

Those articles of the General Convention which are referred to in this Agreement are reproduced in the Annex hereto¹. When the term "Member" is used in Sections 6, 8, 9, 21 and 24 of the General Convention in reference to an acceding State, it shall be understood that for the purposes of the present Agreement "Japan" shall be read in place of "Member".

Article X

This Agreement shall become effective from the date of signature.

Article XI

- (1) The present Agreement shall remain in force for a period of five years as from the date of signature.
- (2) Thereafter either Contracting Party shall have the right to give notice to the other of its intention to terminate the present Agreement, and at the expiration of six months after such notice is given this Agreement shall cease to be in force.

DONE in the English language at Tokyo on the 25th day of July, 1952.

For the United Nations :

George J. MATHIEU

For Japan :

K. OKAZAKI

¹ See articles I to VII (Sections 1 to 28) : United Nations, *Treaty Series*, Vol. 1, p. 15.