

No. 2925

**INTERNATIONAL CIVIL AVIATION
ORGANIZATION
and
EGYPT**

**Agreement (with exchange of notes) regarding privileges,
immunities and facilities in Egyptian territory. Signed
at Cairo, on 27 August 1953**

Official texts of the Agreement: English and French.

Official text of the exchange of notes: French.

Registered by the International Civil Aviation Organization on 13 September 1955.

**ORGANISATION DE L'AVIATION CIVILE
INTERNATIONALE
et
EGYPTE**

**Accord (avec échange de notes) concernant les privilèges,
immunités et facilités en territoire égyptien. Signé au
Caire, le 27 août 1953**

Textes officiels de l'Accord: anglais et français.

Texte officiel de l'échange de notes: français.

Enregistrés par l'Organisation de l'aviation civile internationale le 13 septembre 1955.

No. 2925. AGREEMENT¹ BETWEEN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION AND THE GOVERNMENT OF EGYPT REGARDING PRIVILEGES, IMMUNITIES AND FACILITIES IN EGYPTIAN TERRITORY. SIGNED AT CAIRO, ON 27 AUGUST 1953

The GOVERNMENT OF EGYPT on the one part and the INTERNATIONAL CIVIL AVIATION ORGANIZATION on the other,

DESIRING to conclude an Agreement for the purpose of determining the privileges, immunities and facilities to be granted by the Government of Egypt to the International Civil Aviation Organization, to the representatives of its members and to its experts and officials, in particular with regard to its arrangements in the Middle East Region, and to regulate other related matters,

HAVE AGREED AS FOLLOWS :

Article I

DEFINITIONS

SECTION I

In this Agreement :

- (a) The word "Organization" means the International Civil Aviation Organization, set up under Article 43 of the Convention on International Civil Aviation, signed at Chicago on 7 December 1944 ;²
- (b) For the purposes of Article IV the words "property and assets" "funds, notes, coins and securities" or "assets, income and other property" shall be deemed to include property, assets and funds administered by the Organization under the Convention on International Civil Aviation and/or in furtherance of its constitutional functions ;
- (c) The expression "Member States" means the States which are parties to the Convention on International Civil Aviation ;
- (d) The expression "representatives of members" means representatives of States that are members of the International Civil Aviation Organization and shall be deemed to include all delegates, deputy delegates, advisers, technical

¹ Came into force on 25 May 1954, in accordance with section 35, having been ratified by the Government of Egypt on 14 April 1954, and adopted by the Council of the International Civil Aviation Organization at the second meeting of its twenty-second session on 25 May 1954.

² See footnote 3, p. 162 of this volume.

experts and secretaries of Delegations, which secretaries include the equivalent of third secretaries of diplomatic missions but not the clerical staff ;

- (e) The words "principal or subsidiary organs" shall be deemed to include the Assembly, the Council, the Air Navigation Commission, the Air Transport Committee, any meeting or conference held in the Middle East Region and any of the subdivisions of all such organs as well as the Secretariat and the Regional Office in Cairo ;
- (f) For the purposes of Sections 4, 6, 16 and 17 the words "freedom of meeting" or "meeting of the Organization" shall be deemed to include all institutional meetings of the principal or subsidiary organs of the Organization as well as all Conferences or Meetings convened by the Organization under the authority or auspices of the Organization in Egypt.

Article II

JURIDICAL PERSONALITY

SECTION 2

The Organization shall possess juridical personality and legal capacity and, in particular, capacity :

- (a) to contract ;
- (b) in conformity with the Egyptian laws to acquire and dispose of immovable and movable property, and
- (c) to institute legal proceedings.

Article III

FREEDOM OF ACTION

SECTION 3

The Organization and its principal or subsidiary organs shall have in Egypt the independence and freedom of action belonging to an international organization according to international practice.

SECTION 4

The Organization, its principal or subsidiary organs as well as its members and the representatives of members in their relations with the Organization, shall enjoy in Egypt absolute freedom of meeting, including freedom of discussion and decision.

Article IV

PROPERTY, FUNDS AND ASSETS

SECTION 5

The Organization and its property and assets located in Egypt shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity is expressly waived by the Secretary General of the Organization, or the Director of the Middle East Office as his duly authorized representative. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

SECTION 6

(1) The premises of the Organization in Egypt or any premises in Egypt occupied by the Organization in connexion with a meeting of the Organization shall be inviolable.

(2) Such premises and the property and assets of the Organization in Egypt shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action, except in the case of expropriation for reasons of public utility and against just compensation.

SECTION 7

The archives of the Organization, and in general all documents belonging to it or held by it in Egypt shall be inviolable.

SECTION 8

(1) The Organization may receive and hold funds, notes, coins and securities of any kind and may dispose of them freely both within Egypt and in its relations with other countries.

(2) This Section shall also apply to members of the Organization in their relations with the Organization.

SECTION 9

The Government of Egypt shall provide for the Organization at the most favourable rate officially recognized, its national currency to the amount required to meet the expenditure of the Organization in Egypt or other parts of the Middle East Region.

SECTION 10

In exercising its rights under Sections 8 and 9, the Organization shall pay due regard to any representations made by the Government of Egypt in so far as the

Organization considers that effect can be given to such representations without detriment to its interests.

SECTION 11

The Organization, its assets, income and other property shall be :

- (a) exempt from all direct and indirect taxes. It is understood, however, that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services ;
- (b) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of goods or articles imported or exported by the Organization for its official use. It is understood, however, that such goods or articles imported under such exemption will not be sold or ceded in Egypt except under conditions agreed with the Government of Egypt ;
- (c) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of their publications.

SECTION 12

While the Organization will not, as a general rule, in the case of minor purchases, 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, nevertheless, when the Organization is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the Government of Egypt shall make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article V

FACILITIES IN RESPECT OF COMMUNICATIONS

SECTION 13

The Organization shall enjoy in Egypt for its official communications, treatment not less favourable than that accorded by the Government of Egypt to any other 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.

SECTION 14

(1) No censorship shall be applied to the duly authenticated official communications of the Organization.

(2) The Organization shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article VI

REPRESENTATIVES OF MEMBERS

SECTION 15

Representatives of members of the Organization on its principal or subsidiary organs and at conferences or meetings convened by the Organization and who are not of Egyptian nationality, shall, while exercising their functions and during their journeys 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 all acts done by them in their official capacity, immunity from legal process of every kind.
- (b) Inviolability for all papers and documents.
- (c) The right to use codes and despatch or receive papers or correspondence by courier or in sealed bags.
- (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in Egyptian territory.
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official mission.
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions of comparable rank.
- (g) Such other privileges, immunities and facilities not inconsistent with the foregoing as members of diplomatic missions of comparable rank 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 16

In order to secure for the representatives of members of the Organization at a meeting of the Organization 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 all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

SECTION 17

If the incidence of any form of taxation depends upon residence in Egypt, periods during which the representatives of members of the Organization are present at a meeting of the Organization in Egypt for the discharge of their duties shall not be considered as periods of residence.

SECTION 18

Privileges and immunities are accorded to the representatives of members of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Organization. Consequently, a member not only has the right, but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the 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. In any such case in which one of the persons designated to serve on it is concerned, the Council of the Organization shall be under the same duty.

SECTION 19

The Organization will as far as possible communicate in advance to the Government of Egypt a list of the representatives invited to its conferences or meetings.

Article VII

EXPERTS ON MISSIONS FOR THE ORGANIZATION

SECTION 20

Experts and consultants other than those under Section 1 (*d*) or officials who come within the scope of Article VI or VIII respectively and who perform missions for the Organization 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 and 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 Organization.

- (b) Inviolability for all papers and documents.

- (c) For the purpose of their communication with the Organization, the right to use codes and to despatch or receive papers or correspondence by courier or in sealed bags.
- (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in Egypt.
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official mission.
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions.

SECTION 21

Privileges and immunities are granted to experts in the interests of the Organization 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 experts 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 Organization.

Article VIII

OFFICIALS

SECTION 22

The Secretary General or the Director of the Middle East Office as his duly authorized representative, shall, from time to time, communicate to the Government of Egypt the categories and the names of those officials to whom the provisions of this Article and Article IX shall apply.

SECTION 23

(1) Officials of the Organization, irrespective of nationality, shall :

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity ;
- (b) be exempt from taxation in respect of the salaries and emoluments paid to them by the Organization.

(2) Moreover those who are not of Egyptian nationality shall :

- (a) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration ;

- (b) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to Egypt ;
- (c) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions ;
- (d) have the right to import free of duty their furniture and effects at the time of taking up their post in Egypt or upon their permanent appointment to it ;
- (e) once every three years have the right to import free of duty a motor-car, it being understood that the duty will become payable in the event of the sale or disposal of such motor-car within three years to a person not entitled to this exemption upon its importation.

SECTION 24

(1) The officials of the Organization shall be exempt from national service obligations in Egypt, provided that, in relation to officials who are Egyptian nationals, such exemption shall be confined to officials whose names have, by reasons of their duties, been placed upon a list completed by the Secretary General or the Director of the Middle East Office as his duly authorized representative and approved by the Government of Egypt.

(2) Should other officials of the Organization be called up for national service, the Government of Egypt shall, at the request of the Secretary General or the Director of the Middle East Office as his duly authorized representative, grant as far as possible such deferments in the call-up of such officials as may be necessary to avoid serious dislocation in the continuation of essential work.

SECTION 25

In addition to the immunities and privileges specified in Section 23, the President of the Council, the Secretary General, the Assistant Secretaries General, the Director of the Middle East Office and his Deputy shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law and usage.

SECTION 26

Privileges and immunities are granted to officials in the interests of the Organization 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 Organization.

Article IX

VISAS, PERMITS OF RESIDENCE, UNITED NATIONS LAISSER-PASSER AND OTHER FACILITIES

SECTION 27

(1) The Government of Egypt shall take all measures required to facilitate the entry into, residence in, and departure from Egypt of all persons having official business with the Organization, i. e. :

- (a) Representatives of members whatever may be the relations between Egypt and the member concerned.
- (b) Experts and consultants on missions for the Organization, irrespective of nationality.
- (c) Officials of the Organization.
- (d) Other persons, irrespective of nationality, summoned by the Organization.

(2) Any police regulations calculated to restrict the entry of aliens into Egypt or to regulate the conditions of their residence shall not apply to the persons provided for in this Section.

(3) The Government of Egypt shall issue to the embassies, legations and consulates abroad general instructions in advance to grant visas to any applicant on production of a valid passport or any equivalent identity and travel document and of a document establishing his official relationship to the Organization without any delay or waiting period and without requiring his personal attendance or the payment of any charges.

(4) The provisions of this Section shall apply to the spouse and dependents of the person concerned if they live with him and do not exercise an independent profession or calling.

SECTION 28

The Government of Egypt shall recognize and accept as a valid travel document the United Nations laissez-passer issued to the officials of the Organization under administrative arrangements concluded between the President of the Council of the Organization and the Secretary General of the United Nations.

SECTION 29

The President of the Council, the Secretary General, the Assistant Secretaries General, the Director of the Middle East Office, the Directors of the Organization and the External Relations Officer travelling on official business of the Organization shall be granted the same facilities as are accorded to diplomatic envoys.

SECTION 30

(1) The Organization will be supplied, in the premises placed at its disposal, with electricity, water and gas, and with service for the removal of refuse. In a case of force majeure entailing partial or total suspension of these services, the requirements of the Organization will be considered by the Government of Egypt to be of the same importance as those of its own administrations.

(2) The Government of Egypt will ensure the necessary police supervision for the protection of the seat of the Organization and for the maintenance of order in the immediate vicinity thereof. At the request of the Secretary General, the Government of Egypt will supply such police force as may be necessary to maintain order within the building.

Article X

SECURITY OF THE GOVERNMENT OF EGYPT

SECTION 31

(1) Nothing in the present Agreement shall affect the right of the Egyptian Government to take the precautions necessary for the security of Egypt.

(2) If the Egyptian Government considers it necessary to apply the first paragraph of this Article, it shall approach the Organization as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary to protect the interest of the Organization.

(3) The Organization shall collaborate with the Egyptian authorities to avoid any prejudice of the security of Egypt resulting from its activity.

Article XI

CO-OPERATION AND SETTLEMENT OF DISPUTES

SECTION 32

The Organization shall co-operate at all times with the appropriate authorities of the Government of Egypt 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 provided for under the present Agreement.

SECTION 33

The Organization 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 Organization is a party ;

- (b) disputes involving any official of the Organization who, by reason of his official position, enjoys immunity, if immunity has not been waived by the Secretary General in accordance with the provisions of Section 26.

SECTION 34

Any difference between the Organization and the Egyptian Government arising out of the interpretation or application of the present Agreement or of any supplementary arrangement or agreement which is not settled by negotiations shall be submitted for decision to a board of three arbitrators; the first to be appointed by the Egyptian Government, the second by the Secretary General of the Organization, and the third, the presiding arbitrator, by the President of the International Court of Justice, unless in any specific case the parties hereto agree to resort to a different mode of settlement.

Article XII

FINAL PROVISIONS

SECTION 35

The present Agreement shall enter into force as soon as it has been ratified by the Government of Egypt in accordance with its constitutional procedures and adopted by the Council of the Organization.

SECTION 36

On the coming into force of the present Agreement it will be registered with the Council of the Organization in pursuance of Article 7 of the Rules for Registration with ICAO of Aeronautical Agreements and Arrangements, adopted by the said Council on 1 April 1949 to give effect to Articles 81 and 83 of the Convention on International Civil Aviation, and it will be communicated for further registration to the Secretary General of the United Nations by the Secretary General of the Organization in pursuance of Article 1 of the Regulations¹ adopted by the General Assembly of the United Nations on 14 December 1946 to give effect to Article 102 of the Charter of the United Nations.

SECTION 37

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

¹ United Nations, *Treaty Series*, Vol. 76, p. xviii.

In FAITH WHEREOF the present Agreement was done and signed at Cairo, on the 27th day of August 1953, in two copies, in French and in English, the texts in both languages being equally authentic, of which one text was handed to the representatives of the Government of Egypt, and the other to the Secretary General of the International Civil Aviation Organization.

For the Government of Egypt :

M. FAWZI

For the International Civil Aviation Organization :

D. LEFÈVRE

EXCHANGE OF NOTES

[TRANSLATION — TRADUCTION]

I

MINISTRY OF FOREIGN AFFAIRS

INTERNATIONAL ORGANIZATIONS DEPARTMENT

Cairo, 27 August 1953

Sir,

With reference to the agreement concluded between the Government of Egypt and the International Civil Aviation Organization regarding the privileges, immunities and facilities to be granted to that Organization in Egypt, I have the honour to inform you of the following :

(1) The Organization may, in conformity with section 8, hold and, through normal channels, receive gold in Egypt and transfer it abroad. Nevertheless, the Organization may not transfer from Egypt an amount of gold larger than that introduced.

(2) In conformity with article VIII, the Organization and the Government shall determine by mutual agreement the categories of officials and the nature and scope of the facilities, privileges and immunities to be granted to each category.

(3) The Organization may not, under section 23 (1) (a), claim for members of the staff of the Regional Office in Egypt who are Egyptian nationals, regardless of their grade, immunity from legal process in Criminal Courts of Egypt in respect of words spoken or written and all acts performed by them when such words are not spoken or written or such acts are not performed in the exercise of their official functions.

(4) In invoking the terms of section 27 (2) of the Agreement, the Organization shall refrain from requesting that police regulations should be waived in respect of the persons referred to in section 27 (1) where such regulations are applied pursuant to international health conventions or to similar conventions, agreements or regulations adopted by the World Health Organization.

(5) Notwithstanding the provisions of section 27 and in pursuance of section 31, the Egyptian Government may take all precautions necessary for the security of the country with regard to nationals of countries whose relations with Egypt are not normal.

M. FAWZI
Minister of Foreign Affairs

To the Director General
of the International Civil Aviation Organization

II

MINISTRY OF FOREIGN AFFAIRS

INTERNATIONAL ORGANIZATIONS DEPARTMENT

Cairo, 27 August 1953

Your Excellency,

Following the conclusion of the Agreement between the Government of Egypt and the International Civil Aviation Organization regarding the privileges, immunities and facilities to be granted to that Organization in Egypt and in reply to your letter of 27 August 1953, I have the honour to communicate to you the following :

(1) I agree that

[See note I]

D. G. LEFÈVRE
Director of the Middle East Office

H.E. the Minister of Foreign Affairs
