

No. 3058

**WORLD HEALTH ORGANIZATION
and
EGYPT**

Agreement (with exchange of letters) for the purpose of determining the privileges, immunities and facilities to be granted in Egypt by the Government to the Organization, to the representatives of its Members and to its experts and officials. Signed at Cairo, on 25 March 1951

Official texts: English and French.

Registered by the World Health Organization on 30 December 1955.

**ORGANISATION MONDIALE DE LA SANTÉ
et
ÉGYPTE**

Accord (avec échange de lettres) pour déterminer les privilèges, immunités et facilités accordés en Égypte par le Gouvernement à l'Organisation, aux représentants de ses Membres, à ses experts et à ses fonctionnaires. Signé au Caire, le 25 mars 1951

Textes officiels anglais et français.

Enregistré par l'Organisation mondiale de la santé le 30 décembre 1955.

No. 3058. AGREEMENT¹ BETWEEN THE WORLD HEALTH ORGANIZATION AND THE GOVERNMENT OF EGYPT FOR THE PURPOSES OF DETERMINING THE PRIVILEGES, IMMUNITIES AND FACILITIES TO BE GRANTED IN EGYPT BY THE GOVERNMENT TO THE ORGANIZATION, TO THE REPRESENTATIVES OF ITS MEMBERS AND TO ITS EXPERTS AND OFFICIALS. SIGNED AT CAIRO, ON 25 MARCH 1951

THE GOVERNMENT OF EGYPT on the one part,

and

THE WORLD HEALTH 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 WORLD HEALTH ORGANIZATION, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the EASTERN MEDITERRANEAN REGION, and of regulating other related matters ;

HAVE AGREED AS FOLLOWS :

Article I

DEFINITIONS

Section 1. In the present Agreement :

- (i) The word "Organization" shall mean the World Health Organization ;
- (ii) 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 Article 57 of its Constitution² and/or in furtherance of its constitutional functions.
- (iii) The words "representatives and Members" shall be deemed to include all delegates to the World Health Assembly, all persons designated by Members to serve on the Executive Board of the Organization, all representatives on the

¹ Having been approved by the Fourth World Health Assembly in May 1951 and ratified by the Government of Egypt on 8 August 1951, the Agreement came into force on 8 August 1951 in accordance with article XII, section 35.

² United Nations, *Treaty Series*, Vol. 14, p. 185 ; Vol. 15, p. 447 ; Vol. 16, p. 364 ; Vol. 18, p. 385 ; Vol. 23, p. 312 ; Vol. 24, p. 320 ; Vol. 26, p. 413 ; Vol. 27, p. 402 ; Vol. 29, p. 412 ; Vol. 31, p. 480 ; Vol. 44, p. 339 ; Vol. 45, p. 326 ; Vol. 53, p. 418 ; Vol. 54, p. 385 ; Vol. 81, p. 319 ; Vol. 88, p. 427 ; Vol. 131, p. 309 ; Vol. 173, p. 371, and Vol. 180, p. 298.

Regional Committees in the Eastern Mediterranean Region, as well as all delegates, alternates, advisers, technical experts who are members of delegations and secretaries of delegations ;

- (iv) The word "Member" shall be deemed to include a Member or an Associate Member of the Organization as well as a territory or group of territories which, without being an Associate Member, is represented and participating in the Regional Committee of the Eastern Mediterranean Region of the Organization, in accordance with Article 47 of its constitution ;
- (v) The words "principal or subsidiary organs" shall be deemed to include the World Health Assembly, the Executive Board, the Regional Committee in the Eastern Mediterranean Region and any of the subdivisions of all these organs as well as the Secretariat and the Regional Office in Alexandria ;
- (vi) 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, or 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) 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 Director-General of the Organization, or the Regional Director 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.

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 World Health 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 Eastern Mediterranean 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 medical supplies, or any other goods or articles imported or exported by the Organization for its official use. It is understood, however, that such medical supplies, 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 missions ;
- (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 Executive Board 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 who under Section I (iii) or as officials 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 communications 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 missions ;

(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 Director-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 Organization.

Article VIII

OFFICIALS

Section 22. The Director-General or the Regional Director 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 to a person not entitled to this exemption within three years 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 reason of their duties, been placed upon a list compiled by the Director-General or the Regional Director 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 Director-General or the Regional Director 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 22, the Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director in Egypt 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 Director-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 LAISSEZ-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 regulation 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 valid travel documents the United Nations Laissez-passer issued to the officials of the Organization under administrative arrangements concluded between the Director-General of the Organization and the Secretary-General of the United Nations.

Section 29. The Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director of the Organization in Egypt, and the Directors of the Organization travelling on its official business 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 Director-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 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 Egyptian authorities to avoid any prejudice to 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 Director-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 negotiation shall be submitted for decision to a Board of three arbitrators; the first to be appointed by the Egyptian Government, the second by the Director-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 procedure and adopted by the World Health Assembly.

Section 36. On the coming-into-force of the present Agreement it will be communicated for registration to the Secretary-General of the United Nations by the Director-General of the Organization, in pursuance of Article 1 of the Regulations, to give effect to Article 102 of the Charter of the United Nations adopted by the General Assembly of the United Nations on 14 December 1946.

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.

IN FAITH WHEREOF the present Agreement was done and signed at Cairo on the 25th day of March, 1951, in six copies, three in French and three in English, the texts, in both languages being equally authentic, of which two texts, one copy in French and one in English, were handed to the representatives of the Government of Egypt, and the four remaining copies to the Director-General of the World Health Organization.

For the World Health Organization :

(Signed) A.T. CHOUCHA PACHA

For the Government of Egypt :

(Signed) MOHAMED SALAH EL-DINE

EXCHANGE OF LETTERS

I

Letter from the Egyptian Government to the World Health Organization, dated 25 March 1951

Sir,

With respect to the conclusion between the Egyptian Government and the World Health Organization of the Agreement concerning the privileges, immunities and facilities to be accorded to the Organization in Egypt, I have the honour to submit the following :

1. The Organization may, under Section 8, hold gold and, through normal channels, receive and transfer it to and from Egypt. It shall not, however, transfer from Egypt, more gold than it has brought in.

2. With reference to Article 8, the Organization and the Government shall determine by mutual agreement the categories of officials and the nature and extent of facilities, privileges and immunities to be accorded, to each category.

3. With reference to Section 25, the Organization will not claim on behalf of officials assigned to the staff of the Regional Office in Egypt, who are Egyptian Nationals, irrespective of grade, immunity from the criminal jurisdiction of the Egyptian Courts in respect of words spoken or written and acts performed by them in so far as these words or acts are not spoken or written or performed by them in their official capacity.

4. In claiming the benefit of Section 27 (2) of the Agreement, the Organization will not claim on behalf of the persons mentioned in Section 27 (1) exemption from Police regulations in so far as such regulations are made by virtue of the International Sanitary Conventions or by virtue of similar conventions, agreements or regulations adopted by the World Health Organization.

(Signed) MOHAMED SALAH EL-DINE

II

Letter from the World Health Organization to the Egyptian Government, dated 25 March 1951

Sir,

With respect to the conclusion between the Egyptian Government and the World Health Organization of the Agreement concerning the privileges, immunities and facilities to be accorded to the Organization in Egypt, and in answer to your letter of 25th March, 1951, I have the honour to communicate the following :

1. I agree that...

[See paragraphs 1 to 4 of letter I]

(Signed) A. T. CHOUCHA PACHA