

No. 3703

**UNITED NATIONS
and
THAILAND**

Agreement (with annexed plan and related letter) relating to the headquarters of the Economic Commission for Asia and the Far East in Thailand. Signed at Geneva, on 26 May 1954

Official text: English.

Registered ex officio on 6 February 1957.

**ORGANISATION DES NATIONS UNIES
et
THAÏLANDE**

Accord (avec plan annexé et lettre y relative) relatif au siège de la Commission économique pour l'Asie et l'Extrême-Orient en Thaïlande. Signé à Genève, le 26 mai 1954

Texte officiel anglais.

Enregistré d'office le 6 février 1957.

No. 3703. AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF THAILAND RELATING TO THE HEADQUARTERS OF THE ECONOMIC COMMISSION FOR ASIA AND THE FAR EAST IN THAILAND. SIGNED AT GENEVA, ON 26 MAY 1954

In view of the desire of the United Nations to establish the office of the Economic Commission for Asia and the Far East in Bangkok, Thailand, and in order to facilitate the effective discharge of its functions, the Government of the Kingdom of Thailand and the United Nations have agreed as follows :

Article I

DEFINITIONS

Section I

In this Agreement :

(a) The expression "the ECAFE" means the United Nations Economic Commission for Asia and the Far East including its secretariat ;

(b) The expression "the Government" means the Government of Thailand

(c) The expression "Executive Secretary" means the Executive Secretary of the United Nations Economic Commission for Asia and the Far East or his authorized representative ;

(d) The expression "appropriate Thai authorities" means the officials of the Thailand Foreign Office, except where otherwise expressly indicated ;

(e) The expression "laws of Thailand" includes legislative acts, and decrees, regulations or orders, issued by or under authority of the Government or appropriate Thai authorities ;

(f) The expression "working site" means the area occupied by the United Nations Economic Commission for Asia and the Far East as defined in the Annex² to this Agreement, including any buildings which are constructed or which may be constructed therein ;

(g) The expression "archives of the ECAFE" means the records and correspondence, documents, manuscripts, still and moving pictures and films, and sound recordings, belonging to or held by the ECAFE ;

¹ Came into force on 6 February 1957, the date of its ratification by the Government of Thailand, in accordance with article XIV (a).

² See insert in a pocket at the end of this volume.

(h) The expression "Officials of the ECAFE" means all staff members of the United Nations Secretariat, other than manual workers locally recruited, who are at any time working with the ECAFE, and whose names are communicated from time to time to the appropriate Thai authorities ;

(i) The expression "property" as used in this Agreement means all property including funds and assets, belonging to the ECAFE or held or administered by the ECAFE in furtherance of its constitutional functions, and all income of the ECAFE ;

(j) The expression "General Convention" means the Convention on the Privileges and Immunities of the United Nations as adopted by the General Assembly of the United Nations on 13 February 1946¹ when acceded to by the Government ;

(k) The expression "representatives of governments" shall be deemed to apply to delegates, deputy delegates, advisers, technical experts and secretaries of delegations, and to include the family of resident representatives.

Article II

JURIDICAL PERSONALITY AND CAPACITY

Section 2

The United Nations acting through the ECAFE shall have the capacity :

- (a) To contract ;
- (b) To acquire and dispose of immovable and movable property ;
- (c) To institute legal proceedings.

Article III

CONTROL OF WORKING SITE

Section 3

The working site shall be inviolable, and shall be under the control and authority of the ECAFE, as provided in this Agreement.

Section 4

(a) Officers or officials of the Government, whether administrative, judicial, military or police shall not enter the working site to perform any official duties

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 ; Vol. 70, p. 266 ; Vol. 173, p. 369 ; Vol. 177, p. 324 ; Vol. 180, p. 296 ; Vol. 202, p. 320 ; Vol. 214, p. 348 ; Vol. 230, p. 427 ; Vol. 231, p. 347 ; Vol. 247, Vol. 248, Vol. 252, and Vol. 254.

therein except with the consent of and under conditions agreed to by the Executive Secretary ;

(b) Without prejudice to the provisions of Article VIII, the ECAFE shall prevent the working site from being used as a refuge by persons who are avoiding arrest under any law of Thailand, or who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process or a judicial proceeding ;

(c) The archives of the ECAFE and in general all documents belonging to, or held by the ECAFE, shall be inviolable.

Section 5

(a) The appropriate Thai authorities shall exercise due diligence to ensure that the tranquillity of the working site is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in its immediate vicinity, and shall cause to be provided on the boundaries of the working site such police protection as is required for these purposes ;

(b) If so requested by the Executive Secretary, the appropriate Thai authorities shall provide a sufficient number of police for the preservation of law and order in the working site, and for the removal therefrom of persons as requested under the authority of the ECAFE.

Article IV

PROPERTY, FUNDS AND ASSETS

Section 6

The United Nations shall in respect of the ECAFE and its property, wherever located and by whomsoever held, enjoy immunity from every form of legal process except in so far as in any particular case the United Nations shall have expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 7

The working site and the property of the ECAFE wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 8

The assets, income and other property of the United Nations shall be exempt :

(a) From any form of direct taxation. The ECAFE, however, will not claim exemption from taxes which are, in fact, no more than charges for public utility services ;

(b) From customs duties and from prohibitions and restrictions on imports and exports in respect of articles imported or exported by the ECAFE for its official use, on the understanding that articles imported under such immunity shall not be sold within the country except in accordance with conditions to be mutually agreed upon ;

(c) From customs duties and prohibitions and restrictions in respect of the import and export of its publications.

Section 9

The United Nations shall be exempt from excise duties, sales, and luxury taxes and all other indirect taxes when it is making important purchases for official use by the ECAFE of property on which such duties or taxes are normally chargeable. However, the ECAFE will not, as a general rule, 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, and cannot be identified separately from the sales price.

Section 10

(a) Without any financial controls, regulations or moratoria of any kind,

- (i) the ECAFE may hold funds, gold or currency of any kind and operate foreign currency accounts in any currency ;
- (ii) the ECAFE shall be free to transfer its funds, securities, gold or currency from one country to another or within Thailand and to convert any currency held by it into any other currency ;

(b) The ECAFE shall, in exercising its rights under this section pay due regard to any representations made by the Government insofar as effect can be given to such representations without detriment to the interests of the ECAFE.

Article V

COMMUNICATIONS

Section 11

The ECAFE shall enjoy for its official communications treatment not less favourable than that accorded by the Government to any other government or organization, including foreign diplomatic missions in Thailand.

Section 12

The ECAFE shall be entitled, for its official purposes, to use the transport facilities of the Government under the same conditions as may be granted to resident diplomatic missions.

Section 13

(a) No censorship shall be applied to the official correspondence nor other communications of the ECAFE. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, films, and sound recordings ;

(b) The ECAFE shall have the right to use codes and to dispatch and receive official correspondence and without limitation by reason of this enumeration, publications, documents, still and moving pictures, films, and sound recordings, either by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.

Section 14

(a) The United Nations is authorized to operate at the working site one point-to-point telecommunications circuit in a generally easterly direction and one point-to-point circuit in a generally westerly direction between the working site and other United Nations radio stations ;

(b) Subject to the necessary authorization from the General Assembly, the United Nations may also establish and operate at the working site :

(i) its own short-wave sending and receiving radio broadcasting facilities (including emergency link equipment) which may be used on the same frequencies (within the tolerances prescribed for the broadcasting service by applicable Thai regulations) for radiotelegraph, radiotelephone, and similar services ;

(ii) such other radio facilities as may be specified by supplemental agreement between the United Nations and the appropriate Thai authorities ;

(c) The United Nations shall make arrangements for the operation of the services referred to in this section with the International Telecommunication Union, the appropriate agencies of the Government and the appropriate agencies of other affected governments with regard to all frequencies and similar matters ;

(d) The facilities provided for in this Section may, to the extent necessary for efficient operation, be established and operated outside the working site with the consent of the Government.

Article VI

REPRESENTATIVES OF GOVERNMENTS

Section 15

Representatives of governments participating in the work of the ECAFE, or in any conferences which may be convened by the United Nations at the working

site, shall be entitled in the territory of Thailand while exercising their functions and during their journey to and from the working site, to the same privileges and immunities as it accords to members of diplomatic missions of comparable rank.

Article VII

ACCESS AND RESIDENCE

Section 16

(a) The appropriate Thai authorities shall impose no impediment to transit to or from the working site of the following persons :

- (i) representatives of governments participating in the work of the ECAFE ;
- (ii) officials of the ECAFE, their families and other members of their households ;
- (iii) persons, other than officials of the ECAFE, performing missions for the United Nations, in relation with the ECAFE, and their families ;
- (iv) other persons invited to the working site on official business ; the Executive Secretary shall communicate the names of such persons to the Government ;
- (v) representatives of the press, or of radio, film or other information agencies, who have been accredited by the ECAFE after consultation with the Government ;

(b) This Section shall not apply to general interruptions of transport and shall not impair the effectiveness of generally applicable laws relating to transportation ;

(c) Visas which may be necessary for persons referred to in this Section shall be granted promptly and without charge ;

(d) This section shall not obviate the requirement of reasonable evidence to establish that persons claiming the rights granted under this Section are included in the categories described in paragraph (a), or the reasonable application of quarantine and health regulations ;

(e) Laws and regulations in force in Thailand regarding the residence of aliens shall not be applied in such manner as to interfere with the privileges referred to in this Section, and, specifically shall not be applied in such manner as to require any persons to leave Thailand on account of any activities performed by them in their official capacity.

Article VIII

OFFICIALS OF THE ECAFE

Section 17

Officials of the ECAFE shall enjoy within and with respect to the territory of Thailand the following privileges and immunities :

(a) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity ;

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

(c) Immunity, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration ;

(d) The same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government ;

(e) The same repatriation facilities in time of international crisis, together with their spouses and relatives dependent on them, as diplomatic envoys ;

(f) Immunity from personal arrest or detention ;

(g) Immunity from seizure of their personal and official baggage ;

(h) Exemption for officials of other than Thai nationality, from any form of direct taxation on income derived from sources outside Thailand, and the freedom to maintain within Thailand, or elsewhere, foreign securities, and other movable and immovable property, and whilst employed by the United Nations in Thailand, and at the time of termination of such employment, the right to take out of Thailand funds in United States dollars or other convertible currencies without any restrictions or limitations, provided that the said officials can show good cause for their lawful possession of such funds ;

(i) The right to import, free of duty and other levies, prohibitions and restrictions on imports, their furniture and effects within six months after first taking up their post in Thailand ; the same regulations shall apply in the case of importation, transfer and replacement of automobiles as are in force for the resident members of diplomatic missions of comparable rank.

Section 18

All officials of the ECAFE shall be provided with a special identity card certifying the fact that they are officials of the ECAFE enjoying the privileges and immunities specified in this Agreement.

Section 19

(a) The Government shall accord to the Executive Secretary and Deputy Executive Secretary of the ECAFE, to the extent permitted under its constitutional precepts, the privileges and immunities indicated in paragraph 2 of Article 105 of the United Nations Charter.

(b) For this purpose the Executive Secretary and the Deputy Executive Secretary shall be incorporated by the Ministry of Foreign Affairs into the appropriate diplomatic categories and shall enjoy the customs exemptions granted to such diplomatic categories in Thailand.

Section 20

(a) The privileges and immunities accorded by this Article are granted in the interests of the ECAFE and not for the personal benefit of the individuals themselves. The Secretary-General of the United Nations shall waive the immunity of any official including those referred to in Section 19, in any case where, in his opinion, such immunity would impede the course of justice and can be waived without prejudice to the interests of the ECAFE ;

(b) The Executive Secretary shall take every precaution to ensure that no abuse of a privilege or immunity conferred by this Agreement shall occur, and for this purpose shall establish such rules and regulations as he may deem necessary and expedient, for officials of the ECAFE and persons performing missions for, or serving on missions, of the ECAFE ;

(c) The ECAFE and its officials shall cooperate at all times with the appropriate Thai authorities to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuses in connection with the privileges and immunities conferred by this Agreement. Should the Government consider that an abuse has occurred, the Executive Secretary shall upon request consult with the appropriate Thai authorities. If such consultations fail to achieve a result satisfactory to both parties, the matter shall be determined in accordance with the procedure set out in Article XIII.

Article IX

PERSONS WHO ARE NOT OFFICIALS OF THE ECAFE

Section 21

Those persons who, without being officials of the ECAFE, are performing missions for the United Nations in relation with the ECAFE in Thailand, shall enjoy the privileges and immunities specified in Section 17 of Article VIII.

Article X

LAISSEZ-PASSER

Section 22

The Government shall recognize and accept the United Nations laissez-passers issued to officials of the ECAFE as a valid travel document equivalent to a passport. Applications for visas from holders of United Nations laissez-passers 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 persons who, though not the holders of United Nations laissez-passers, have a certificate that they are travelling on the business of the United Nations in relation with the ECAFE.

*Article XI*PUBLIC SERVICES AND DIVISION OF RESPONSIBILITIES CONCERNING
INSTALLATION AND MAINTENANCE OF WORKING SITE*Section 24*

(a) The appropriate Thai authorities will exercise to the extent requested by the Executive Secretary the powers which they possess with respect to the supplying of public services to ensure that the working site shall be supplied on equitable terms with the necessary public services, including electricity, water, post, telephone, telegraph, transportation, drainage, collection of refuse, fire protection, et cetera. In case of any interruption or threatened interruption of any such services, the appropriate Thai authorities will consider the needs of the ECAFE as being of equal importance with the similar needs of essential agencies of the Government, and will take steps accordingly to ensure that the work of the ECAFE is not prejudiced ;

(b) The Government will be responsible for all charges arising out of the installation, maintenance and repairs in the working site of all public utility services including, but without limitation by reason of this enumeration, the following : telephone equipment, wiring and electricity, water, fire prevention measures, and postal services ;

(c) The ECAFE will be responsible with the assistance of the Government for all arrangements concerning the use of the conference hall in the working site for its own meetings. The Government will be similarly responsible for all arrangements concerning the use of the said hall for any other meetings. Consultations

will be held between the ECAFE and the Government in order to arrive at a mutually agreeable use and schedule of use of the hall.

Article XII

SUPPLEMENTARY AGREEMENTS

Section 25

(a) The Government and the United Nations may enter into such supplementary agreements as may be necessary within the scope of this Agreement ;

(b) The provisions of the General Convention and of this Agreement, shall, where they relate to the same subject matter, be treated wherever possible as complementary, so that the provisions of both shall be applicable and neither shall narrow the effect of the other ; but in any case of absolute conflict, the provisions of this Agreement shall prevail.

Article XIII

SETTLEMENT OF DISPUTES

Section 26

All differences between the Government and the United Nations arising out of the interpretation or application of this Agreement or any supplementary agreements, or of any question affecting the working site or the relationship between the ECAFE and the Government, shall be resolved according to the procedure indicated in Section 30 of the General Convention.

Article XIV

Section 27

(a) This Agreement shall be signed and shall enter into force on the date of ratification by the Government ;

(b) Consultations with respect to modifications of this Agreement shall be entered into at the request of the Government or of the United Nations. Any such modification shall be by mutual consent ;

(c) This Agreement shall be interpreted in the light of its primary purpose to enable the ECAFE fully and efficiently to discharge its responsibilities and to fulfill its objectives ;

(d) Wherever this Agreement imposes obligations on the appropriate Thai authorities, the ultimate responsibility for the fulfillment of such obligations shall rest with the Government ;

(e) This Agreement and any supplementary agreement entered into between the Government and the United Nations within the scope of its terms of reference, shall cease to be in force six months after either of the Contracting Parties shall have given notice in writing to the other of its decision to terminate the Agreement, except as regards those provisions which may apply to the normal cessation of the activities of the ECAFE in Thailand and the disposal of its property.

IN WITNESS WHEREOF, the respective representatives have signed this Agreement in duplicate in the English Language on the 26th of May 1954.

For the Government of Thailand :

WAN WAITHAYAKON

Krommün Naradhip Bongsprabandh

For the United Nations :

Dag HAMMARSKJOLD

LETTER FROM THE MINISTER OF FOREIGN AFFAIRS OF THAILAND
TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

DÉLÉGATION DE THAÏLANDE¹

26th May, 1954

Sir,

With reference to the Agreement signed today² between the United Nations and the Government of Thailand relating to the working site of the Economic Commission for Asia and the Far East, I have the honour to confirm the agreement reached between us as follows :

1. With respect to the Annex³ referred to in Section 1 (f) of the Agreement which defines the expression "working site", it is understood that the Plan, two copies of which were initialled by the negotiators at the meeting held in February in Bangkok, represent the Annex for the present purposes.

2. With regard to the question of immunity from national service obligations and the question of the schools, as these were matters left for further discussion by the representatives at the meetings in Bangkok in February, it is understood that the practice hitherto followed will be continued pending agreement.

¹ Delegation of Thailand.

² See p. 36 of this volume.

³ See insert in a pocket at the end of this volume.

3. With regard to the supply of information on foreign currency accounts, the secretariat of ECAFE is prepared, as a matter of courtesy, to supply the Government of Thailand with information on its foreign currency accounts for statistical purposes, it being understood that the ECAFE will not receive a less favourable treatment than the Foreign Embassies stationed in Bangkok.

Accept, Sir, the assurances of my highest consideration.

WAN WAITHAYAKON
Krommün Naradhip Bongsprabandh
Minister of Foreign Affairs of Thailand

The Secretary-General of the United Nations
Palais des Nations
Geneva