

No. 4597

**UNITED NATIONS
and
ETHIOPIA**

Agreement regarding the Headquarters of the United Nations Economic Commission for Africa. Signed at Addis Ababa, on 18 June 1958

Official text: English.

Registered ex officio on 15 December 1958.

**ORGANISATION DES NATIONS UNIES
et
ÉTHIOPIE**

Accord relatif au siège de la Commission économique des Nations Unies pour l'Afrique. Signé à Addis-Abéba, le 18 juin 1958

Texte officiel anglais.

Enregistré d'office le 15 décembre 1958.

No. 4597. AGREEMENT¹ BETWEEN THE UNITED NATIONS AND ETHIOPIA REGARDING THE HEADQUARTERS OF THE UNITED NATIONS ECONOMIC COMMISSION FOR AFRICA. SIGNED AT ADDIS ABABA, ON 18 JUNE 1958

The United Nations and Ethiopia, desiring to conclude an agreement for the purpose of regulating questions arising as a result of the decision of the Economic and Social Council adopted at its 25th Session to establish the Headquarters of the United Nations Economic Commission for Africa at Addis Ababa,² have agreed as follows :

Article I

DEFINITIONS

Section 1. In this Agreement :

(a) the expression " the ECA " means the United Nations Economic Commission for Africa including its secretariat;

(b) The expression " the Government " means the Government of Ethiopia;

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

(d) The expression " appropriate Ethiopian authorities " means such national, local or other authorities in Ethiopia as may be appropriate in accordance with the laws of Ethiopia;

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

(f) The expression " Headquarters " means the buildings and structures or portions thereof which at any given moment are in fact occupied by the United Nations Economic Commission for Africa;

(g) The expression " officials of the ECA " means all members of the staff of the United Nations Economic Commission for Africa, irrespective of nationality, with the exception of those who are recruited locally and are assigned to hourly rates;

¹ Came into force on 15 December 1958, the date of its ratification on behalf of Ethiopia, in accordance with section 24.

² United Nations, *Official Records of the Economic and Social Council, Twenty-fifth Session, Supplement No. 1 (E/3123)*, p. 1, resolution 671 (XXV).

(h) 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 of 13 February 1946¹ and acceded to by Ethiopia on 22 July 1947;²

(i) The expression "representatives of Governments" shall be deemed to include representatives, deputy representatives, advisors, technical experts and secretaries of delegations.

Article II

CONTROL AND PROTECTION OF HEADQUARTERS

Section 2. The Headquarters shall be inviolable and shall be under the control and authority of the ECA as provided in this Agreement.

Section 3. (a) Officers or officials of Ethiopia, whether administrative, judicial, military or police, shall not enter the Headquarters to perform any official duties therein except with the consent of and under conditions agreed to by the Executive Secretary.

(b) Without prejudice to the provisions of the General Convention or of this Agreement, the ECA shall prevent the Headquarters from becoming a refuge for persons who are avoiding arrest under any law of Ethiopia, or who are required by the Government for extradition to another country or who are endeavoring to avoid service of legal process.

Section 4. (a) The appropriate Ethiopian authorities shall exercise due diligence to ensure that the tranquility of the Headquarters is not disturbed by the unauthorized entry of groups of persons from outside or by disturbance in its immediate vicinity, and shall cause to provide on the boundaries of the Headquarters such police protection as is required for these purposes.

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

Article III

COMMUNICATION AND TRANSPORT

Section 5. The ECA shall enjoy for its official communications treatment not less favourable than that accorded by the Government to any other govern-

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, p. 384; Vol. 248, p. 358; Vol. 252, p. 308; Vol. 254, p. 404; Vol. 261, p. 373; Vol. 266, p. 363; Vol. 270, p. 372; Vol. 271, p. 382; Vol. 280, p. 346; Vol. 284, p. 361; Vol. 286, p. 329; Vol. 308, and Vol. 316.

² United Nations, *Treaty Series*, Vol. 5, p. 413.

ment or to any other international organization, including foreign diplomatic missions in Ethiopia.

Section 6. (a) No censorship shall be applied to the official correspondence or other communications of the ECA. Such immunity shall extend, without limitation by reason of this enumeration, to publications, documents, still and moving pictures, films and sound recordings;

(b) The ECA 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 7. (a) The ECA shall have the authority to install and operate at the Headquarters for its exclusive official use a radio sending and receiving station or stations to exchange traffic with the United Nations radio network, subject to the provisions of Article 45 of the International Telecommunications Convention relating to harmful interference. The frequencies on which any such station may be operated will be agreed between the ECA and the Imperial Telecommunications Board of Ethiopia and will be duly communicated by the ECA to the International Frequency Registration Board.

Section 8. (a) The ECA shall be entitled, for its official purposes, to use transportation operated by the Government at the same rates and treatment as may be granted to resident diplomatic missions.

(b) Aircraft operated by or for the United Nations shall be exempt from all charges, except those for actual service rendered, and from fees or taxes incidental to the landing at, parking or on taking off from any aerodrome in Ethiopia. Except as limited by the preceding sentence, nothing herein shall be construed as exempting such aircraft from full compliance with all applicable rules and regulations governing the operation of flights into, within, and out of the territory of the Empire of Ethiopia.

Article IV

ACCESS AND RESIDENCE

Section 9. (a) The competent Ethiopian authorities shall not impede the transit to or from the Headquarters of the following persons :

- (i) officials of the ECA, and their families;
- (ii) persons, other than officials of the ECA, performing missions for the ECA, and their spouses;

(iii) other persons invited to the Headquarters on official business; the Executive Secretary shall communicate the names of such persons to the Government.

(b) This section shall not apply to general interruptions of transport and shall not impede the enforcement of the law;

(c) Visas for persons referred to in this section, where required, shall be granted free of charge;

(d) This section shall not imply exemption from the obligation to produce reasonable evidence to establish that persons claiming the rights granted under this section are included in the categories specified in paragraph (a) nor from the reasonable application of quarantine and health regulations.

Article V

REPRESENTATIVES OF GOVERNMENTS

Section 10. (a) The representatives of governments, participating in the work of the ECA or in any conference which may be convened by the United Nations at the Headquarters, shall be entitled in the territory of Ethiopia, while exercising their functions and during their journey to and from the Headquarters, to the same privileges and immunities as are accorded to diplomatic envoys of comparable rank under international law.

(b) Resident representatives of Governments to the ECA shall be entitled in the territory of Ethiopia to the same privileges and immunities as the Government accords to diplomatic envoys accredited to Ethiopia.

Article VI

OFFICIALS OF THE ECA

Section 11. Officials of the ECA shall enjoy in the territory of Ethiopia 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; such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the ECA;

(b) Immunity from personal arrest or detention;

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

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

(e) Immunity from national service obligations;
(f) Immunity, together with members of their families and their personal employees, from immigration restrictions and alien registration;

(g) 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;

(h) The same repatriation facilities in time of international crisis, together with members of their families and their personal employees, as diplomatic envoys;

(i) Exemption for officials, other than Ethiopian nationals and permanent foreign residents of Ethiopia, from any form of direct taxation on income derived from sources outside Ethiopia, and the freedom to maintain within Ethiopia, or elsewhere, foreign securities, and other moveable and immoveable property, and whilst employed by the United Nations in Ethiopia, and at the time of termination of such employment, the right to take out of Ethiopia, funds in non-Ethiopian currencies without any restrictions or limitations, provided that the said officials can show good cause for their lawful possession of such funds;

(j) The right to import, free of duty and other levies, prohibitions and restrictions on imports, their furniture and effects within twelve months after first taking up their post in Ethiopia; the same regulations shall apply for other than Ethiopian nationals and permanent foreign residents of Ethiopia 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 12. All officials of the ECA shall be provided with a special identity card certifying the fact that they are officials of the ECA enjoying the privileges and immunities specified in this Agreement.

Section 13. (a) The Government shall accord to the Executive Secretary and to such of his immediate assistants as may be agreed between the ECA and the Ministry of Foreign Affairs of the Government 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 immediate assistants referred to in subparagraph (a) above 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 Ethiopia.

Section 14. The privileges and immunities accorded by this article are granted in the interests of the ECA and not for the personal benefit of the individuals themselves. The Secretary-General of the United Nations shall waive the immunity of any official 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 ECA.

Section 15. The ECA shall cooperate at all times with the appropriate authorities of Ethiopia to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this article.

Article VII

PUBLIC SERVICES AND UTILITIES

Section 16. The appropriate Ethiopian 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 Headquarters 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 Ethiopian authorities will consider the needs of the ECA 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 ECA is not prejudiced.

Article VIII

INTERPRETATION AND APPLICATION

Section 17. 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.

Section 18. The Government and the United Nations may enter into such supplementary agreements as may be necessary to fulfill the purposes of this Agreement.

Section 19. Wherever this Agreement imposes obligations on the appropriate Ethiopian authorities, the ultimate responsibility for the fulfillment of such obligations shall rest with the Government.

Section 20. This Agreement shall be interpreted in the light of its primary purpose to enable the ECA fully and efficiently to discharge its responsibilities and to fulfill its objectives.

Article IX

SETTLEMENT OF DISPUTES

Section 21. (a) Any dispute between the United Nations and Ethiopia concerning the interpretation or application of this Agreement or of any sup-

plementary agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General of the United Nations, one to be named by the Government of Ethiopia, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

(b) The Secretary General of the United Nations or Ethiopia may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of such proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed by both Parties. Thereafter, the arbitral tribunal shall render a final decision, having regard to the opinion of the Court.

Article X

PROVISIONS

Section 22. 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 modifications shall be by mutual consent.

Section 23. 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 ECA in Ethiopia and the disposal of its property.

Section 24. This Agreement shall be signed and shall enter into force on the date of ratification by the Government in accordance with its constitutional processes.

DONE in the English language in duplicate at Addis Ababa, Ethiopia on June 18, 1958.

For the United Nations,
on behalf of the Secretary-General
of the United Nations :

Philippe DE SEYNES
Under Secretary General
for Economic and Social Affairs

For the Imperial
Ethiopian Government :

Yilma DERESSA
Minister for Foreign Affairs