

No. 10162

**INTERNATIONAL CIVIL AVIATION ORGANIZATION
and
THAILAND**

**Agreement regarding the Far East and Pacific Office of the
said Organization. Signed at Montreal on 22 September
1965 and at Bangkok on 18 October 1965**

Authentic text : English.

Registered by the International Civil Aviation Organization on 5 January 1970.

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

**Accord relatif à l'établissement du Bureau de ladite Organisa-
tion pour le Pacifique et l'Extrême-Orient. Signé à
Montréal le 22 septembre 1965 et à Bangkok le 18 octo-
bre 1965**

Texte authentique : anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 5 janvier 1970.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
KINGDOM OF THAILAND AND THE INTERNATIONAL
CIVIL AVIATION ORGANIZATION REGARDING THE
FAR EAST AND PACIFIC OFFICE OF THE SAID ORGANI-
ZATION

The Government of the Kingdom of Thailand and the International Civil Aviation Organization

Desiring to conclude an agreement regarding the Far East and Pacific Office of the International Civil Aviation Organization,

Have agreed as follows:

Article I

DEFINITIONS

Section 1. In this Agreement :

(a) the expression "ICAO" means the International Civil Aviation Organization;

(b) the expression "Regional Office" means the Far East and Pacific Office of ICAO;

(c) the expression "The Government" means the Government of the Kingdom of Thailand;

(d) the expression "Secretary General" means the Secretary General of ICAO, and during his absence from duty the officer designated by him to act on his behalf;

(e) the expression "Regional Representative" means the Regional Representative for the Far East and Pacific Office of ICAO, and in his absence, his duly authorized Deputy;

(f) the expression "appropriate Thai Authorities" means such national, or other authorities in the Kingdom of Thailand as may be appropriate in the context and in accordance with the laws and customs applicable in the Kingdom of Thailand;

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

¹ Came into force on 24 November 1965, upon approval by the International Civil Aviation Organization Council and ratification by the Government, in accordance with article XVI, section 30 (a).

(h) the expression "Member Nation" means a nation which is a Member of ICAO;

(i) the expression "Representatives of Member Nations" includes all representatives, alternates, advisers and technical experts and secretaries of delegations;

(j) the expression "meetings convened by ICAO" means meetings of the Assembly of ICAO, the Council of ICAO, any international conference or other gathering convened by ICAO and any commission, committee or sub-group of any of these bodies;

(k) the expression "Regional Office Seat" means the premises occupied by the Regional Office;

(l) the expression "archives of ICAO" includes records and correspondence, documents, manuscripts, still and moving pictures and films, and sound recordings belonging to or held by ICAO;

(m) the expression "Officers of ICAO" means all ranks of the ICAO Secretariat engaged by the Secretary General or on his behalf, other than manual workers locally recruited;

(n) the expression "property" as used in Article VIII, means all property, including funds and assets, belonging to ICAO or held or administered by ICAO in furtherance of its constitutional functions, and all income of ICAO.

Article II

JURIDICAL PERSONALITY AND FREEDOM OF ASSEMBLY

Section 2. The Government recognizes the juridical personality of ICAO, and ICAO shall have the capacity:

(a) to contract;

(b) to acquire and dispose of movable and immovable property;

(c) to institute legal proceedings.

Section 3. The Government recognizes the right of ICAO to convene meetings within the Regional Office Seat, or with the concurrence of the appropriate Thai authorities, elsewhere in Thailand. At meetings convened by ICAO, the Government shall take all proper steps to ensure that no impediment is placed in the way of full freedom of discussion and decision.

Article III

THE REGIONAL OFFICE SEAT

Section 4. The Government grants free of charge to ICAO and ICAO accepts as from the date of entry into force and during the life of this Agreement,

the use and occupancy of premises constituting the ground floor of the left wing of Sala Santitham, Bangkok, for the operation of the Regional Office.

Section 5. With respect to the Regional Office Seat:

(a) Except in case of faults attributable to ICAO, the Government shall be responsible for exterior repairs and maintenance and for all charges of major repairs of a nonrecurring nature, in particular, but without limitation by reason of this enumeration, the repair of damage resulting from fire, force majeure, structural defects of such installations, and for the replacement within a reasonable period, of any building or part thereof in the Regional Office Seat which may be totally or partially destroyed;

(b) ICAO shall be responsible for all ordinary repairs for the upkeep and maintenance of the interior of the premises.

Article IV

INVIOLABILITY OF THE REGIONAL OFFICE SEAT

Section 6. (a) The Government recognizes the inviolability of the Regional Office Seat which shall be under the control and authority of ICAO, as provided in this Agreement.

(b) No officer or official of the Government, whether administrative, judicial, military or police, shall enter the Regional Office Seat to perform any official duties therein except with the consent of, and under conditions agreed to by the Secretary General or the Regional Representative.

(c) Without prejudice to the provisions of Article X, ICAO shall prevent the Regional Office Seat 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 judicial proceedings.

Article V

PROTECTION OF THE REGIONAL OFFICE SEAT

Section 7. (a) The appropriate Thai authorities shall exercise due diligence to ensure that the tranquillity of the Regional Office Seat is not disturbed by any person or group of persons attempting unauthorized entry or creating disturbances in the immediate vicinity of the Regional Office Seat.

(b) If so requested by the Regional Representative, the appropriate Thai authorities shall provide a sufficient number of police for the preservation of

law and order in the Regional Office Seat and for the removal therefrom of offenders.

Article VI

PUBLIC SERVICES

Section 8. (a) The appropriate Thai authorities shall exercise, to the extent requested by the Secretary General or the Regional Representative, their respective powers to ensure that the Regional Office Seat shall be supplied with the necessary public services, including, without limitation by reason of this enumeration, fire protection, electricity, water, sewerage, post, telephone, and telegraph, and that such public services shall be supplied on equitable terms. In case of any interruption or threatened interruption of any such services, the appropriate Thai authorities shall consider the needs of ICAO as being of equal importance with those of essential agencies of the Government and shall take steps accordingly to ensure that the work of ICAO is not prejudiced.

(b) Where electricity or water are supplied by appropriate Thai authorities or bodies under their control, ICAO shall be supplied at special tariffs which shall not exceed the lowest rates accorded to Thai governmental administration.

Article VII

COMMUNICATIONS

Section 9. ICAO shall enjoy for its official communications treatment not less favorable than that accorded by the Government to any other Organization or Government, including the diplomatic mission of any such other Government, in the matter of priorities and rates on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to press and radio.

Section 10. ICAO 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 11. (a) No censorship shall be applied to the official correspondence or other communications of ICAO. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, and films and sound recordings. In case of emergency requiring the enforcement of censorship in Thailand, the appropriate Thai authorities shall consult with the Regional Representative with a view to reaching agreement on appropriate steps to be taken by him or by the appropriate Thai authorities in

order to avoid abuse of the immunity from censorship enjoyed by the official communications of ICAO and its officers.

(b) ICAO shall have the right to use codes and to despatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

(c) Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by supplemental agreement between ICAO and the Government.

Article VIII

PROPERTY OF ICAO AND TAXATION

Section 12. ICAO, its property and assets, wherever located and by whomsoever held shall enjoy immunity from every form of legal process except in so far as in any particular case the Secretary General shall have expressly waived its immunity. It is however understood that no waiver of immunity shall extend to any measure of execution.

Section 13. The property and assets of ICAO, 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 14. The archives of ICAO, and in general all documents belonging to ICAO or held by it, shall be inviolable wherever located.

Section 15. The assets, income and other property of ICAO shall be exempt:

- (a) from any form of direct taxation. ICAO, 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 ICAO for its official use, on the understanding that articles imported under such exemption will 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, still and moving pictures and films and sound recordings.

Section 16. (a) ICAO shall be exempt from levies and duties on operations and transactions, and from excise duties, sales and luxury taxes and all other indirect taxes when it is making important purchases for official use by ICAO of property on which such duties or taxes are normally chargeable. However, ICAO 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 sale price;

(b) the Government shall grant, if requested, allotments of gasoline or other required fuels and lubricating oils for vehicles required for the official use of ICAO in quantities and at rates prevailing for diplomatic missions in Thailand.

Article IX

FINANCIAL FACILITIES

Section 17. (a) Without any financial controls, regulations or moratoria of any kind:

(i) ICAO may hold funds, gold or currency of any kind and operate foreign currency account in any currency;

(ii) ICAO 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) ICAO shall, in exercising its rights under this section, pay due regard to any representations made by the Government in so far as effect can be given to such representations without detriment to the interest of ICAO;

(c) The Government shall render to ICAO the same privileges as accorded to diplomatic missions in respect of exchange facilities.

Article X

TRANSIT AND RESIDENCE

Section 18. (a) The appropriate Thai authorities shall impose no impediment to transit to or from the Regional Office Seat, or to residence of the following persons, irrespective of their nationalities, when on official ICAO business, and shall afford them any necessary protection:

(i) The President of the Council of ICAO, the Secretary General, representatives of Member Nations, of the United Nations, or of the Specialized Agencies, and their spouses;

- (ii) Officers of ICAO and their families;
- (iii) Officers of the Regional Office, their families and other members of their households;
- (iv) Persons other than officers of ICAO, performing missions for ICAO, and their spouses;
- (v) Other persons invited to the Regional Office Seat on official business. The Regional Representative or the Secretary General shall communicate the names of such persons to the Government within a reasonable time.

(b) This section shall not apply to general interruptions in transportation, which shall be dealt with as provided in Section 8 (a) and shall not impair the effectiveness of generally applicable laws as to the operation of means of transportation.

(c) Visas which may be required for persons referred to in this section shall be granted without charge and as promptly as possible.

(d) No activity performed by any such person in his official capacity as described in sub-section (a) shall constitute a reason for preventing his entry into Thailand or for requiring him to leave Thailand.

(e) In case of abuse of the privilege of transit or residence by any such person in activities in Thailand outside his official capacity, such privilege shall not be construed to grant him exemption from the laws of the Kingdom of Thailand regarding residence of aliens, provided that:

- (i) no proceeding shall be instituted under such laws to require any such person to leave Thailand except with the prior approval of the Minister of Foreign Affairs of the Kingdom of Thailand;
- (ii) in the case of the representative of a Member Nation such approval shall be given only after consultation with the Government of the appropriate Member Nation;
- (iii) in the case of any other person mentioned in sub-section (a), such approval shall be given only after consultation with the Regional Representative or the Secretary General, the Secretary-General of the United Nations or the principal executive officer of the appropriate Specialized Agency, as the case may be;
- (iv) a representative of the Member Nation concerned, the Regional Representative or the Secretary General, the Secretary-General of the United Nations, or the principal executive officer of the appropriate Specialized Agency, as the case may be, shall have the right to appear and be heard in any such proceedings on behalf of the person against whom they shall have been instituted;

- (v) persons who are entitled to diplomatic privileges and immunities shall not be required to leave Thailand otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the Kingdom of Thailand.

(f) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in sub-section (a), or the reasonable application of quarantine and health regulations.

Article XI

PRESIDENT OF COUNCIL, SECRETARY GENERAL AND REPRESENTATIVES AT MEETINGS

Section 19. The President of the Council of ICAO, the Secretary General, representatives of Member Nations, representatives or observers of other Nations, and representatives of the United Nations and the Specialized Agencies at meetings convened by ICAO shall be entitled, in the territory of Thailand while exercising their functions and during their journeys to and from the Regional office Seat and other places of meetings, to the same privileges and immunities as are provided for under Article V (Sections 13 to 17 inclusive) of the Convention on the Privileges and Immunities of the Specialized Agencies,¹ and in paragraph 1 of Annex III to that Convention.

Article XII

OFFICERS OF ICAO, MEMBERS OF ICAO MISSIONS, PERSONS INVITED TO THE REGIONAL OFFICE SEAT ON OFFICIAL BUSINESS

Section 20. Officers of ICAO shall enjoy within and with respect to the Kingdom of Thailand the following privileges and immunities:

- (a) immunity from personal arrest or detention;
- (b) immunity from seizure of their personal and official baggage;
- (c) immunity from legal process of any kind with respect to words spoken or written and all acts performed by them in their official capacity, such immunity to continue notwithstanding the fact that the persons concerned might have ceased to be officers of ICAO;
- (d) exemption from any form of direct taxation on salaries and emoluments paid to them by ICAO;

¹ United Nations, *Treaty Series*, vol. 33, p. 261. For the final and revised texts of annexes published subsequently, see vol. 71, p. 318; vol. 79, p. 326; vol. 117, p. 386; vol. 275, p. 298; vol. 314, p. 308; vol. 323, p. 364; vol. 327, p. 326; vol. 371, p. 266; vol. 423, p. 284; vol. 559, p. 348 and vol. 645, p. 340.

- (e) exemption for officers of other than Thai citizenship from any form of direct taxation on income derived from sources outside Thailand;
- (f) exemption, with respect to themselves, their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (g) exemption from national service obligations for officers of ICAO who are not Thai citizens;
- (h) for officers who are not Thai citizens, freedom to maintain within Thailand or elsewhere foreign securities and other movable and immovable property; and whilst employed by ICAO and at the time of termination of such employment, the right to take out of Thailand funds in United States dollars or other currencies without any restrictions or limitation provided that the said officers can show good cause for their lawful possession of such funds. In particular, they shall have the right to take out of Thailand their funds in the same currencies and up to the same amounts as they brought into Thailand through authorized channels;
- (i) the same protection and repatriation facilities with respect to themselves, their families and other members of their households, as are accorded to diplomatic envoys in time of international crises;
- (j) the right to import, free of duty and other levies, prohibitions and restrictions on import, their furniture and effects within six months after first taking up their posts in Thailand, or, in the case of officers who have not completed their probationary periods, within six months after confirmation of their employment with ICAO; 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;
- (k) in the event of the death of an officer of ICAO or any member of his family forming part of his household, who is not a national of or permanent resident of Thailand, the Government of Thailand shall impose no impediment to the export of the movable property of the deceased, with the exception of any property acquired in the country the export of which is prohibited at the time of his death; estate, succession and inheritance duties or taxes shall not be levied on movable property the presence of which in Thailand is due solely to the presence there of the deceased as an officer of ICAO or as a member of his family.

Section 21. The names of the officers of ICAO shall be communicated to the appropriate Thai authorities from time to time.

Section 22. (a) The Government shall accord to the officers of the Regional Office designated by the Secretary General, diplomatic privileges and immunities.

(b) For this purpose the officers of the Regional Office shall be incorporated by the Ministry of Foreign Affairs, in consultation with the Secretary General, into the appropriate diplomatic categories and shall enjoy the customs exemptions granted to such diplomatic categories in Thailand.

(c) All officers of the Regional Office shall be provided with a special identity card certifying the fact that they are officers of ICAO enjoying the privileges and immunities specified in this Agreement.

Section 23. Persons other than officers of ICAO, who are members of ICAO missions, or who are invited to the Regional Office Seat by ICAO on official business, shall be accorded the privileges and immunities specified in Section 20, except those specified in sub-section (j).

Section 24. (a) The privileges and immunities accorded by this Article are conferred in the interests of ICAO and not for the personal benefit of the individuals themselves. The Secretary General shall waive the immunity of any officer in any case where, in his opinion, the immunity would impede the course of justice and could be waived without prejudice to the interests of ICAO.

(b) ICAO and its officers shall co-operate at all times with the appropriate Thai authorities to facilitate the proper administration of justice, to secure the observance of police regulations and to prevent the occurrence of any abuses in connexion with the privileges and immunities accorded by this Article.

Article XIII

LAISSEZ-PASSER

Section 25. The Government shall recognize and accept the United Nations Laissez-*Passer* issued to officers of ICAO, the Secretary General and the President of the Council, as a valid travel document equivalent to a passport. Applications for visas from holders of United Nations Laissez-*Passer* shall be dealt with as speedily as possible.

Section 26. Similar facilities to those specified in Section 25 shall be accorded to persons who, though not the holders of United Nations Laissez-*Passer*, have a certificate that they are travelling on the business of ICAO.

Article XIV

GENERAL PROVISIONS

Section 27. (a) The Secretary General and the Regional Representative 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 they may deem necessary and expedient for officers of ICAO and persons performing missions for ICAO.

(b) Should the Government consider that an abuse of privilege or immunity conferred by this Agreement has occurred, the Secretary General or the Regional Representative, shall, upon request, consult with the appropriate Thai authorities to determine whether any such abuse has occurred. If such consultations fail to achieve a result satisfactory to the Secretary General and the Government, the matter shall be determined in accordance with the procedure set out in Article XV.

Article XV

SUPPLEMENTAL AGREEMENTS AND SETTLEMENT OF DISPUTES

Section 28. (a) The Government and ICAO may enter into such supplemental agreements as may be necessary within the scope of this Agreement.

(b) In view of the accession by Thailand to the Convention on the Privileges and Immunities of the Specialized Agencies, such Convention and this Agreement shall, where they relate to the same subject matter, be treated as complementary.

Section 29. Any dispute between ICAO and the Government concerning the interpretation or application of this Agreement or any supplemental agreements, or any question affecting the Regional Office Seat or the relationships between ICAO and the Government, 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 chosen by the Secretary General, one to be chosen by the Minister of Foreign Affairs of the Kingdom of Thailand, and the third, who shall be Chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third, such third arbitrator shall be chosen by the President of the International Court of Justice.

Article XVI

ENTRY INTO FORCE, OPERATION, AND DENUNCIATION

Section 30. (a) This Agreement shall enter into force upon approval by the ICAO Council and ratification by the Government.

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

(c) This Agreement shall be construed in the light of its primary purpose to enable the Regional Office fully and efficiently to discharge its responsibilities and fulfil its purpose.

(d) Where this Agreement imposes obligations on the appropriate Thai authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.

(e) This Agreement and any supplemental agreement entered into by the Government and ICAO pursuant to this Agreement shall cease to be in force twelve months after either the Government or ICAO shall have given notice in writing to the other of its decision to terminate this Agreement, except for such provisions as may be applicable in connexion with the orderly termination of the operations of ICAO at its Regional Office in the Kingdom of Thailand and the disposition of its property therein.

(f) This Agreement replaces the Notes dated 23 December 1954 and 5 February 1955 exchanged between the President of the Council of ICAO and the Minister of Foreign Affairs of Thailand.

IN WITNESS WHEREOF the Government and ICAO have signed this Agreement in duplicate in the English language.

For the Government
of the Kingdom of Thailand:

Thanat KHOMAN
Minister of Foreign Affairs
Bangkok, 18 October 1965

For the International Civil
Aviation Organization:

W. BINAGHI
President of the Council
Montreal, 22 September 1965