

No. 17978

**UNITED NATIONS
and
AUSTRIA**

Agreement regarding the headquarters of the United Nations Industrial Development Organization and other offices of the United Nations (with map and exchange of letters of 28 September and 20 November 1979). Signed at New York on 28 September 1979

Authentic texts of the Agreement: English and German.

Authentic text of the Exchange of letters: English.

Registered ex officio on 28 September 1979.

**ORGANISATION DES NATIONS UNIES
et
AUTRICHE**

Accord relatif au siège de l'Organisation des Nations Unies pour le développement industriel et à d'autres services des Nations Unies (avec plan et échange de lettres des 28 septembre et 20 novembre 1979). Signé à New York le 28 septembre 1979

Textes authentiques de l'Accord : anglais et allemand.

Texte authentique de l'Échange de lettres : anglais.

Enregistré d'office le 28 septembre 1979.

AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE REPUBLIC OF AUSTRIA REGARDING THE HEADQUARTERS OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION AND OTHER OFFICES OF THE UNITED NATIONS

Bearing in mind the Agreement between the United Nations (hereinafter called “the Organization”) and the Republic of Austria regarding the Headquarters of the United Nations Industrial Development Organization of 13 April 1967² (hereinafter called “the Headquarters Agreement”);

Considering that the Federal Government of the Republic of Austria (hereinafter called “the Government”) has offered to the Organization the use of land, buildings and facilities within the Vienna International Center as a permanent headquarters seat of the United Nations Industrial Development Organization;

Recognizing that pursuant to section 3 of the Headquarters Agreement the headquarters seat shall be defined in supplemental agreements to be concluded between the Government and the Organization and recognizing further that pursuant to the relevant decisions of the Organization other offices of the United Nations have been set up with the consent of the Government in the Republic of Austria and that in accordance with its section 45 the Headquarters Agreement shall apply *mutatis mutandis* to such offices;

The Organization and the Government have agreed as follows:

Article I. The area as shown in the map attached to this Agreement³ shall constitute the permanent headquarters seat of the United Nations Industrial Development Organization as provided for in section 3 of the Headquarters Agreement and of such offices of the United Nations as are set up in the Republic of Austria in accordance with section 45 of the Headquarters Agreement.

Article II. This Agreement shall enter into force on 1 September 1979.

DONE at New York, in duplicate, in the English and German languages, both texts being equally authentic, on 28 September 1979.

For the United Nations:

For the Federal Government
of the Republic of Austria:

[Signed — Signé]⁴

KURT WALDHEIM

¹ Came into force on 28 September 1979, with retroactive effect from 1 September 1979, in accordance with article II.

² United Nations, *Treaty Series*, vol. 600, p. 93.

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

⁴ Signed by Willibald P. Pahr — Signé par Willibald P. Pahr.

EXCHANGE OF LETTERS

I

28 September 1979

Sir,

As from 1 September 1979 the United Nations is entitled to occupy and use the land, buildings and facilities specified in two supplemental agreements which I have signed today, namely:

- “Agreement between the United Nations and the Republic of Austria regarding the Headquarters of the United Nations Industrial Development Organization and other offices of the United Nations”; and
- “Agreement between the United Nations, the Federal Government of the Republic of Austria and the International Atomic Energy Agency regarding the common Headquarters area”.¹

Discussions between the representatives of the Government and the United Nations have been held in the past months with a view to defining the terms of such occupation and use. However, the text of the agreements which will have to be concluded in this respect between the Republic of Austria and the United Nations supplementing the existing Headquarters Agreement has not yet been finalized.

It is my understanding that until such time as the relevant agreements referred to in the previous paragraph have entered into force, and without prejudice to the provisions of those agreements, the terms so far agreed as contained in the Annex to this letter apply as from 1 September 1979 to the premises covered by the two supplemental agreements which I have signed today.

Accept, Sir, the assurances of my highest consideration.

KURT WALDHEIM

His Excellency Dr. Willibald Pahr
Federal Minister for Foreign Affairs
Vienna

ANNEX

a) The permanent headquarters seat of the United Nations Industrial Development Organization (UNIDO) and other offices of the United Nations are described in the annex to the Agreement between the United Nations and the Republic of Austria regarding the Headquarters of the United Nations Industrial Development Organization and other offices of the United Nations, signed at New York on 28 September 1979, which have been transferred from Austria to the United Nations with effect from the date of the move to Vienna International Centre (1 September 1979);

b) While the Republic of Austria retains ownership of the headquarters seat, the United Nations has the right to use it for a period of 99 years beginning on 1 September 1979 in a manner consistent with its purposes as defined by the Charter of the United Nations. The annual payment for use of the headquarters seat will amount to one Austrian schilling from 1 January 1980;

¹ See p. 359 of this volume.

c) The United Nations has the right to make space available in the headquarters seat, on conditions accepted by both Parties, to any intergovernmental or non-governmental organization, institution or person for purposes connected with the activities of the United Nations;

d) If acceptable for both Parties, the United Nations may let available space in the headquarters seat to any entity or person providing services to the United Nations or its staff. The rents charged by the United Nations will be based on the commercially prevailing rates for such premises, will be determined in agreement with the Austrian Government and will be transferred in their entirety to the Austrian Government. An appropriate proportion of maintenance and operation costs will be charged to the entities concerned by and for the United Nations;

e) If the United Nations wishes to make major alterations — including alterations of a structural nature — in respect of any of the buildings forming part of the headquarters seat, it will first seek the Austrian Government's consent;

f) The United Nations shall assume financial responsibility from 1 September 1979 for the orderly operation and adequate maintenance of the premises constituting UNIDO's and other United Nations offices' permanent headquarters seat including Austrian-owned installations and equipment located therein as well as minor repairs and replacements for the purpose of keeping them in good working order; from that date it shall also assume, jointly with the IAEA, similar responsibility as regards the common areas;

g) The Austrian Government shall assume financial responsibility for repairs and replacement of buildings, external facilities, installations and equipment made necessary by faulty material, design or labour or force majeure (as referred to in paragraph 2(f)(ii) of IAEA document GOV/1951);

h) The cost of major repairs and replacements required for the operation of the Vienna International Centre prior to 1 January 1981 shall be borne fully by the Austrian Government.

II

THE FEDERAL MINISTER FOR FOREIGN AFFAIRS

Vienna, November 20, 1979

No.711.7/49-1.6/79

Excellency,

As from 1 September 1979 the United Nations is entitled to occupy and use the land, buildings and facilities specified in two supplemental agreements which I have signed on September 28, 1979, namely:

- "Agreement between the Federal Government of the Republic of Austria and the United Nations regarding the Headquarters of the United Nations Industrial Development Organization and other offices of the United Nations"; and
- "Agreement between the Federal Government of the Republic of Austria, the International Atomic Energy Agency and the United Nations regarding the Common Headquarters Area".

Discussions between the representatives of the Federal Government and the United Nations have been held in the past months with a view to defining the terms of such occupation and use. However, the text of the agreements which will have to be concluded in this respect between the Republic of Austria and the United Nations supplementing the existing Headquarters Agreement has not yet been finalized.

It is my understanding that until such time as the relevant agreements referred to in the previous paragraph have entered into force, and without prejudice to the provisions of those agreements, the terms so far agreed as contained in the annex to this letter apply as from 1 September 1979 to the premises covered by the two supplemental agreements which I have signed on September 28, 1979.

Accept, Excellency, the assurances of my highest consideration.

[Signed]

WILLIBALD P. PAHR

His Excellency Dr. Kurt Waldheim
Secretary-General of the United Nations
New York

[Annex as under letter I]
