

No. 21850

**UNITED NATIONS
and
DENMARK**

**Agreement relating to the Headquarters in Copenhagen
of the Integrated Supply Centre of the United
Nations Children's Fund (with exchange of notes).
Signed at Copenhagen on 12 April 1983**

Authentic text: English.

Registered ex officio on 12 April 1983.

**ORGANISATION DES NATIONS UNIES
et
DANEMARK**

**Accord relatif au siège du Centre de fournitures intégré
du Fonds des Nations Unies pour l'enfance à Copen-
hague (avec échange de notes). Signé à Copenhague
le 12 avril 1983**

Texte authentique : anglais.

Enregistré d'office le 12 avril 1983.

AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF DENMARK RELATING TO THE HEAD-QUARTERS IN COPENHAGEN OF THE INTEGRATED SUPPLY CENTRE OF THE UNITED NATIONS CHILDREN'S FUND

The United Nations and the Government of Denmark,

CONSIDERING that the United Nations Children's Fund has accepted the offer of the Government of Denmark to provide expanded facilities in Copenhagen for the Integrated Supply Centre of the United Nations Children's Fund;

CONSIDERING that the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946,² to which Denmark became a party on 10 June 1948, is *ipso facto* applicable to the Integrated Supply Centre;

CONSIDERING that it is desirable to conclude an agreement, complementary to the Convention on the Privileges and Immunities of the United Nations, to regulate questions not envisaged in that Convention arising as a result of the establishment of the Integrated Supply Centre in Copenhagen,

Have agreed as follows:

Article I. DEFINITIONS

In the present Agreement,

- (a) The expression "UNICEF" means the United Nations Children's Fund;
- (b) The expression "UNICEF, Copenhagen" means UNICEF's Integrated Supply Centre in Copenhagen;
- (c) The expression "the Government" means the Government of Denmark;
- (d) The expression "Headquarters" means the premises occupied by UNICEF, Copenhagen in accordance with the provisions set forth from time to time in supplementary agreements;
- (e) The expression "Executive Director" means the Executive Director of UNICEF or his authorized representative;
- (f) The expression "officials of UNICEF" means the Executive Director and all members of the staff of UNICEF, with the exception of officials or employees who are locally recruited and assigned to hourly rates;
- (g) The expression "Director of UNICEF, Copenhagen" means the senior official in charge of UNICEF, Copenhagen;
- (h) The expression "officials of UNICEF, Copenhagen" means the Director and all members of the staff of UNICEF, Copenhagen, with the exception of officials or employees who are locally recruited and assigned to hourly rates;
- (i) The expression "Convention" means the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946.

¹ Came into force on 12 April 1983 by signature, in accordance with article XIII (3).

² United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

Article II. JURIDICAL PERSONALITY AND CAPACITY

The United Nations acting through UNICEF or UNICEF, Copenhagen shall have the capacity:

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

Article III. HEADQUARTERS

1. The Government recognizes the extraterritoriality of the Headquarters seat, which shall be under the control and authority of UNICEF, Copenhagen as provided in this Agreement.

2. Except as otherwise provided in this Agreement or in the General Convention, and subject to any regulation enacted under paragraph 5, the laws of Denmark shall apply within the Headquarters seat.

3. Except as otherwise provided in this Agreement, or in the General Convention, the courts or other appropriate organs of Denmark shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the Headquarters seat.

4. The Headquarters shall be inviolable. No official of the government shall enter the Headquarters to perform any duties except upon the consent of or at the request of the Director of UNICEF, Copenhagen and under conditions approved by him.

5. UNICEF, Copenhagen shall have the power to make regulations, operative within the Headquarter seat, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No law of Denmark which is inconsistent with a regulation of UNICEF authorized by this paragraph shall, to the extent of such inconsistency, be enforceable within the Headquarters seat. Any dispute between UNICEF, Copenhagen and Denmark as to whether a regulation of UNICEF is authorized by this section or as to whether a law of Denmark is inconsistent with any regulation of UNICEF authorized by this paragraph shall promptly be settled by the procedure set out in Article XII.

6. Judicial actions, including service of legal process and the seizure of private property, shall not take place within the Headquarters, except with the consent of, and under conditions approved by the Director of UNICEF, Copenhagen.

7. Without prejudice to the provisions of the Convention or this Agreement, UNICEF, Copenhagen shall prevent the Headquarters from being used as a refuge by persons who are avoiding arrest under any law of Denmark, who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process.

8. (a) The appropriate Danish authorities shall exercise due diligence to ensure that the tranquillity of the Headquarters is not disturbed by any person or groups of persons from attempting unauthorized entry into or creating disturbances in the immediate vicinity of the Headquarters seat.

(b) If so requested by the Director of UNICEF, Copenhagen, the appropriate Danish authorities shall provide necessary assistance for the preservation of law and order in the Headquarters and for the removal therefrom of persons as requested by the Director of UNICEF, Copenhagen.

9. The appropriate Danish authorities shall make every possible effort to secure upon the request of the Director of UNICEF, Copenhagen, the public services needed

by UNICEF, Copenhagen, including, without limitation by reason of this enumeration, postal, telephone, and telegraph services and power, water and fire protection services. Such public services shall be supplied on equitable terms.

10. In case of any interruption or threatened interruption of the aforesaid services, the appropriate Danish authorities shall consider the needs of UNICEF as being of equal importance with those of essential agencies of the Government, and shall take steps accordingly to ensure that the work of UNICEF is not prejudiced.

Article IV. FREEDOM OF ACCESS TO THE HEADQUARTERS

1. The competent Danish authorities shall not impede the transit to or from the Headquarters of persons holding official posts therein or of persons invited thereto in connection with the official work and activities of UNICEF upon their arrival in or departure from Denmark.

2. The Government undertakes, for this purpose, to allow the entry into and residence in Denmark of the persons listed hereunder during their assignment or during the performance of their duties for UNICEF, without charging visa fees and without delay, as well as exemption from any requirements of exit visa formalities upon departure from Denmark of:

- (a) Representatives of States, representatives of United Nations organs, specialized or related agencies, and observers from intergovernmental, nongovernmental and other organizations, with which UNICEF has established official relations, invited or entitled to participate in conferences or meetings convened in Denmark by UNICEF, including alternate representatives or observers, advisers, experts and assistants, as well as their spouses and dependent members of their families;
- (b) UNICEF officials and experts on missions for UNICEF, as well as their spouses and dependent members of their families;
- (c) Officials of the United Nations or any of its specialized or related agencies who are assigned to work for UNICEF and those who have official duties with UNICEF, Copenhagen, as well as their spouses and dependent members of their families;
- (d) All persons invited to the Headquarters on official business.

3. Without prejudice to the special immunities which they may enjoy, persons referred to in paragraph 2 above may not be forced by Danish authorities to leave Danish territory unless they abuse their recognized residence privileges by exercising an activity outside their official capacity, and subject to the provisions mentioned hereunder:

- (a) No action to force the persons referred to in paragraph 2 above to leave Danish territory may be taken except with the prior approval of the Ministry of Foreign Affairs. Such approval shall be given only after consultation with the Executive Director;
- (b) Persons enjoying diplomatic privileges and immunities under this Agreement may not be requested to leave Danish territory except in accordance with the practices and procedures applicable to diplomats accredited to the Government;
- (c) It is understood that persons referred to in paragraph 2 above shall not be exempt from application of quarantine or other health regulations.

Article V. COMMUNICATIONS FACILITIES

1. For all official postal, telephone, telegraph, telephoto and electronic communications, the Government shall accord to UNICEF, Copenhagen a treatment

equivalent to that accorded to all other Governments including their diplomatic missions, or to other intergovernmental organizations in regard to any priorities, tariffs and charges on mail, cablegrams, telephotos, telephone calls and other communications, as well as such rates for news reported to the press and radio as may be accorded.

2. The Government shall secure the inviolability of the official correspondence of UNICEF, Copenhagen and shall not apply any censorship to such correspondence. Such inviolability shall extend, without limitation by reason of this enumeration to publications, still and moving pictures, films and sound recordings dispatched to or by UNICEF, Copenhagen.

3. UNICEF, Copenhagen shall have the right to use codes and to dispatch and receive its correspondence and other materials by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

4. (a) The United Nations is authorized to establish and operate at the Headquarters facilities for electronic, high frequency radio and satellite communications including point to point dedicated telecommunications circuits as and when needed for the purpose of communicating with other United Nations offices all over the world.

(b) Subject to the necessary authorization from the General Assembly and with the Agreement of the Government as may be included in a supplementary agreement, the United Nations may also establish and operate at the Headquarters:

- (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 Danish regulations) radiograph, radiotelephone and similar services;
- (ii) Such other radio facilities as may be specified by supplementary agreement between the United Nations and the appropriate Danish authorities;

(c) The United Nations shall make arrangements for the operation of the services referred to in this article 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 article may, to the extent necessary for efficient operation, be established and operated outside the Headquarters with the consent of the Government.

Article VI. PROPERTY, FUNDS AND ASSETS

The Government shall apply to the property, funds and assets of UNICEF, Copenhagen, wherever they are and by whomsoever held the provisions of the Convention.

Article VII. DIPLOMATIC FACILITIES, PRIVILEGES AND IMMUNITIES

1. Representatives of States participating in conferences and meetings convened by UNICEF, Copenhagen in Denmark shall, while exercising their functions and during their journey to and from Denmark, enjoy the privileges and immunities provided in Article IV of the General Convention.

2. Without prejudice to the provisions of Article VIII, paragraphs 1 and 3, the Executive Director and the Director of UNICEF, Copenhagen shall enjoy during their residence in Denmark the facilities, privileges and immunities granted to heads of diplomatic missions accredited in Denmark.

3. Other officials having the professional grade of P-5 and above, and such additional categories of officials as may be designated, in agreement with the Government

and the Executive Director, in consultation with the Secretary-General of the United Nations on the ground of the responsibilities of their positions in UNICEF, Copenhagen, shall be accorded the same privileges and immunities, exemptions and facilities as the Government accords to members, having comparable rank, of the staffs of heads of diplomatic missions accredited to Denmark.

4. The facilities, privileges and immunities granted to the representatives of States mentioned in paragraph 1 above and to the officials mentioned in paragraphs 2 and 3 above shall extend to their spouses and dependent members of their families.

Article VIII. OFFICIALS OF UNICEF, COPENHAGEN

1. Officials of UNICEF, Copenhagen shall enjoy in Denmark the following privileges and immunities:

- (a) Immunity from legal process in respect of words spoken and written and all acts performed by them in their official capacity;
- (b) Immunity from seizure of their personal and official baggage;
- (c) Immunity from inspection of official baggage, and if the official comes within the scope of paragraph 2 or 3 of Article VII, immunity from inspection of personal baggage;
- (d) Exemption from taxation on the salaries and all other remuneration paid to them by the United Nations;
- (e) Exemption from military service obligations provided that, with respect to Danish nationals, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Executive Director and approved by the Government;
- (f) Exemption for themselves and for their spouses and dependent members of the families, from immigration restrictions or alien registration procedures;
- (g) In regard to foreign exchange, including holding accounts in foreign currencies, enjoyment of the same facilities as are accorded to members of comparable rank of diplomatic missions accredited to the Government;
- (h) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crises to members, having comparable rank, of the staffs of heads of diplomatic missions accredited to Denmark;
- (i) If they have been previously residing abroad, the right to import their furniture, personal effects and all household appliances, including one automobile, intended for personal use free of duty when they come to reside in Denmark, which privilege shall be valid for a period of one year from the date of arrival in Denmark;
- (j) Officials of UNICEF, Copenhagen, except those who are locally recruited staff in the General Service or related categories, shall have the right to import free of customs and excise duties, limited quantities of certain articles for personal consumption (food products, beverages, etc.) in accordance with a list to be approved by the Government of Denmark;
- (k) Officials of UNICEF, Copenhagen, except those who are locally recruited staff in the General Service or related categories, shall have the right, once every three years to import one motor vehicle free of customs and excise duties, including value added taxes, it being understood that permission to sell or dispose of the vehicle in the open market will normally be granted two years after its importa-

tion only. It is further understood that customs and excise duties will become payable in the event of the sale or disposal of such motor vehicle within three years after its importation to a person not entitled to this exemption.

2. The Government shall furnish persons within the scope of this Article with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to Danish Authorities.

3. The terms and conditions of employment for locally recruited personnel shall be in accordance with the relevant United Nations Regulations and Rules.

Article IX. EXPERTS ON MISSION FOR UNICEF, COPENHAGEN

1. Experts, on missions for UNICEF, other than the officials referred to in Article VIII above, performing missions authorized by, serving on boards, committees or other organs of, or consulting at its request in any way with UNICEF shall enjoy, within and with respect to Denmark, the following privileges and immunities so far as may be necessary for the effective exercise of their functions:

- (a) Immunity in respect of themselves, their spouses and their dependent children from personal arrest or detention and from seizure of their personal and official baggage;
- (b) Immunity from legal process of any kind with respect to words spoken or written, and all acts done by them, in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned may no longer be employed on missions for, serving on committees of, or acting as consultants for UNICEF, or may no longer be present at the Headquarters attending meetings convened by UNICEF;
- (c) Inviolability of all papers, documents and other official material;
- (d) The right, for the purpose of all communications with UNICEF, to use codes and to dispatch or receive papers, correspondence or other official material by courier or in sealed bags;
- (e) Exemption with respect to themselves and their spouses from immigration restrictions, alien registration and national service obligations;
- (f) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crises to members, having comparable rank, of the staffs of chiefs of diplomatic missions accredited to Denmark;
- (g) The same privileges with respect to currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions; and
- (h) The same immunities and facilities with respect to their personal and official baggage as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic missions accredited to Denmark.

2. UNICEF, Copenhagen

- (a) Shall communicate to the Government a list of persons within the scope of this Article and shall revise such a list from time to time as may be necessary;
- (b) The Government shall furnish persons within the scope of this Article with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to Danish Authorities.

3. The privileges and immunities referred to in Articles VIII and IX are granted in the interests of the United Nations and not for the personal benefit of the officials

or experts themselves. The Secretary-General of the United Nations shall waive the immunity granted to any official or expert whenever, in his opinion, such immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations.

Article X. CO-OPERATION WITH THE APPROPRIATE DANISH AUTHORITIES

UNICEF shall co-operate at all times with the appropriate authorities to facilitate the proper administration of justice, secure the observance of police regulations and avoid the occurrence of any abuse in connexion with the facilities, privileges and immunities mentioned in this Agreement.

Article XI. LAISSEZ-PASSER

1. The Government shall recognize and accept the United Nations laissez-passer issued to officials of UNICEF as a valid travel document equivalent to a passport.

2. In accordance with the provisions of section 26 of the Convention, the Government shall recognize and accept the United Nations certificate issued to experts on mission for UNICEF and other persons travelling on the business of UNICEF. The Government further agrees to issue any required visas on such certificates.

Article XII. SETTLEMENT OF DISPUTES

1. Any dispute between UNICEF and the Government concerning the interpretation or application of this Agreement or of any supplemental agreement or arrangement or any question affecting the Headquarters or the relationship between UNICEF, Copenhagen 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 Executive Director, one to be chosen by the Minister of Foreign Affairs of Denmark, 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 within six months following the appointment of the first two arbitrators, such third arbitrator shall be chosen by the President of the International Court of Justice at the request of the Secretary-General of the United Nations or the Government.

2. The Secretary-General of the United Nations or the Government 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 XIII. FINAL PROVISIONS

1. The provisions of this Agreement shall be considered supplementary to the provisions of the Convention. When a provision of this Agreement and a provision of the Convention deal with the same subject, both provisions shall be considered complementary whenever possible; both of them shall be applied and neither shall restrict the force of the other.

2. Consultations with respect to amendments to this Agreement shall be entered into at the request of either party and such amendments shall be made by mutual consent. If the consultations do not result in an understanding within one year, the present Agreement may be terminated by either party on giving two years notice.

3. This Agreement shall enter into force upon signature.

DONE in duplicate at Copenhagen on the twelfth day of April 1983 in the English language.

For the United Nations:

[Signed]

JAVIER PÉREZ DE CUÉLLAR
The Secretary-General

For the Government
of Denmark:

[Signed]

UFFE ELLEMANN-JENSEN
Minister for Foreign Affairs

EXCHANGE OF NOTES

I

MINISTRY OF FOREIGN AFFAIRS

Copenhagen, April 12, 1983

Sir,

With reference to the Agreement between the United Nations and the Government of Denmark relating to the Headquarters in Copenhagen of the Integrated Supply Centre of the United Nations Children's Fund, to which I have this day affixed my signature, I have the honour to propose that officials of the UNICEF or other United Nations organs or experts on mission for the United Nations who are Danish nationals shall enjoy only those privileges and immunities provided in the Convention on the Privileges and Immunities of the United Nations.

If the United Nations agrees to this proposal, I have the honour to propose that this note and your note of confirmation shall constitute an Agreement between the United Nations and the Government of Denmark, entering into force on the same day as the Headquarters Agreement.

Accept, Sir, the renewed assurances of my highest consideration.

Minister for Foreign Affairs,
[Signed — Signé]¹

His Excellency Mr. Javier Pérez de Cuéllar
Secretary-General
United Nations

II

THE SECRETARY-GENERAL

12 April 1983

Sir,

I wish to refer to your note of 12 April 1983 which reads as follows:

[See note I]

I have the honour to confirm that the United Nations agrees with the above proposal and that your note and this reply will constitute an Agreement between the

¹ Signed by Uffe Ellemann-Jensen — Signé par Uffe Ellemann-Jensen.

United Nations and Denmark, entering into force on the same day as the Headquarters Agreement.

Accept, Sir, the assurances of my highest consideration.

[Signed]

JAVIER PÉREZ DE CUÉLLAR
The Secretary-General

His Excellency Mr. Uffe Ellemann-Jensen
Minister of Foreign Affairs
Ministry of Foreign Affairs
Copenhagen, Denmark
