

CHAPTER III

PRIVILEGES AND IMMUNITIES, DIPLOMATIC AND CONSULAR RELATIONS, ETC

1. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

New York, 13 February 1946¹

ENTRY INTO FORCE: 17 September 1946, in accordance with section 32. The Convention first entered into force in regard to the United Kingdom of Great Britain and Northern Ireland by the deposit of its instrument of accession.

REGISTRATION: 14 December 1946, No. 4.

STATUS: Parties: 157.

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

<i>Participant</i>	<i>Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Accession(a), Succession(d)</i>
Afghanistan.....	5 Sep 1947 a	Côte d'Ivoire	8 Dec 1961 d
Albania.....	2 Jul 1957 a	Croatia ²	12 Oct 1992 d
Algeria	31 Oct 1963 a	Cuba.....	9 Sep 1959 a
Angola	9 Aug 1990 a	Cyprus	5 Nov 1963 d
Antigua and Barbuda	25 Oct 1988 d	Czech Republic ⁴	22 Feb 1993 d
Argentina	12 Oct 1956 a	Democratic Republic of the Congo	8 Dec 1964 a
Armenia	29 Apr 2004 a	Denmark	10 Jun 1948 a
Australia.....	2 Mar 1949 a	Djibouti.....	6 Apr 1978 d
Austria	10 May 1957 a	Dominica	24 Nov 1987 d
Azerbaijan.....	13 Aug 1992 a	Dominican Republic	7 Mar 1947 a
Bahamas.....	17 Mar 1977 d	Ecuador.....	22 Mar 1956 a
Bahrain.....	17 Sep 1992 a	Egypt	17 Sep 1948 a
Bangladesh.....	13 Jan 1978 d	El Salvador	9 Jul 1947 a
Barbados	10 Jan 1972 d	Estonia	21 Oct 1991 a
Belarus	22 Oct 1953 a	Ethiopia	22 Jul 1947 a
Belgium	25 Sep 1948 a	Fiji	21 Jun 1971 d
Belize.....	14 Sep 2005 a	Finland.....	31 Jul 1958 a
Bolivia	23 Dec 1949 a	France	18 Aug 1947 a
Bosnia and Herzegovina ²	1 Sep 1993 d	Gabon	13 Mar 1964 a
Brazil	15 Dec 1949 a	Gambia	1 Aug 1966 d
Bulgaria	30 Sep 1960 a	Georgia	17 Dec 2007 a
Burkina Faso.....	27 Apr 1962 a	Germany ^{5,6}	5 Nov 1980 a
Burundi	17 Mar 1971 a	Ghana.....	5 Aug 1958 a
Cambodia.....	6 Nov 1963 a	Greece ⁷	29 Dec 1947 a
Cameroon.....	20 Oct 1961 d	Guatemala.....	7 Jul 1947 a
Canada	22 Jan 1948 a	Guinea	10 Jan 1968 a
Central African Republic	4 Sep 1962 d	Guyana.....	28 Dec 1972 a
Chile	15 Oct 1948 a	Haiti	6 Aug 1947 a
China ³	11 Sep 1979 a	Honduras.....	16 May 1947 a
Colombia	6 Aug 1974 a	Hungary	30 Jul 1956 a
Congo.....	15 Oct 1962 d	Iceland	10 Mar 1948 a
Costa Rica.....	26 Oct 1949 a	India.....	13 May 1948 a

<i>Participant</i>	<i>Accession(a), Succession(d)</i>
Indonesia.....	8 Mar 1972 a
Iran (Islamic Republic of).....	8 May 1947 a
Iraq.....	15 Sep 1949 a
Ireland.....	10 May 1967 a
Israel.....	21 Sep 1949 a
Italy.....	3 Feb 1958 a
Jamaica.....	9 Sep 1963 a
Japan.....	18 Apr 1963 a
Jordan.....	3 Jan 1958 a
Kazakhstan.....	26 Aug 1998 a
Kenya.....	1 Jul 1965 a
Kuwait.....	13 Dec 1963 a
Kyrgyzstan.....	28 Jan 2000 a
Lao People's Democratic Republic.....	24 Nov 1956 a
Latvia.....	21 Nov 1997 a
Lebanon.....	10 Mar 1949 a
Lesotho.....	26 Nov 1969 a
Liberia.....	14 Mar 1947 a
Libyan Arab Jamahiriya.....	28 Nov 1958 a
Liechtenstein.....	25 Mar 1993 a
Lithuania.....	9 Dec 1993 a
Luxembourg.....	14 Feb 1949 a
Madagascar.....	23 May 1962 d
Malawi.....	17 May 1966 a
Malaysia.....	28 Oct 1957 d
Mali.....	28 Mar 1968 a
Malta.....	27 Jun 1968 d
Mauritius.....	18 Jul 1969 d
Mexico.....	26 Nov 1962 a
Micronesia (Federated States of).....	5 Dec 2008 a
Monaco.....	8 Mar 2005 a
Mongolia.....	31 May 1962 a
Montenegro ⁸	23 Oct 2006 d
Morocco.....	18 Mar 1957 a
Mozambique.....	8 May 2001 a
Myanmar.....	25 Jan 1955 a
Namibia.....	17 Jul 2006 a
Nepal.....	28 Sep 1965 a
Netherlands.....	19 Apr 1948 a
New Zealand ⁹	10 Dec 1947 a
Nicaragua.....	29 Nov 1947 a
Niger.....	25 Aug 1961 d
Nigeria.....	26 Jun 1961 d
Norway.....	18 Aug 1947 a
Pakistan.....	22 Sep 1948 a

<i>Participant</i>	<i>Accession(a), Succession(d)</i>
Panama.....	27 May 1947 a
Papua New Guinea.....	4 Dec 1975 d
Paraguay.....	2 Oct 1953 a
Peru.....	24 Jul 1963 a
Philippines.....	28 Oct 1947 a
Poland.....	8 Jan 1948 a
Portugal.....	14 Oct 1998 a
Qatar.....	26 Sep 2007 a
Republic of Korea.....	9 Apr 1992 a
Republic of Moldova.....	12 Apr 1995 a
Romania.....	5 Jul 1956 a
Russian Federation.....	22 Sep 1953 a
Rwanda.....	15 Apr 1964 a
Senegal.....	27 May 1963 d
Serbia ²	12 Mar 2001 d
Seychelles.....	26 Aug 1980 a
Sierra Leone.....	13 Mar 1962 d
Singapore.....	18 Mar 1966 d
Slovakia ⁴	28 May 1993 d
Slovenia ²	6 Jul 1992 d
Somalia.....	9 Jul 1963 a
South Africa.....	30 Aug 2002 a
Spain.....	31 Jul 1974 a
Sri Lanka.....	19 Jun 2003 a
St. Lucia.....	27 Aug 1986 d
Sudan.....	21 Mar 1977 a
Sweden.....	28 Aug 1947 a
Syrian Arab Republic.....	29 Sep 1953 a
Tajikistan.....	19 Oct 2001 a
Thailand.....	30 Mar 1956 a
The former Yugoslav Republic of Macedonia ^{2,7}	18 Aug 1993 d
Togo.....	27 Feb 1962 d
Trinidad and Tobago.....	19 Oct 1965 a
Tunisia.....	7 May 1957 a
Turkey.....	22 Aug 1950 a
Turkmenistan.....	23 Nov 2007 a
Uganda.....	9 Jul 2001 a
Ukraine.....	20 Nov 1953 a
United Arab Emirates.....	2 Jun 2003 a
United Kingdom of Great Britain and Northern Ireland ³	17 Sep 1946 a
United Republic of Tanzania.....	29 Oct 1962 a
United States of America.....	29 Apr 1970 a
Uruguay.....	16 Feb 1984 a

<i>Participant</i>	<i>Accession(a), Succession(d)</i>
Venezuela (Bolivarian Republic of)	21 Dec 1998 a
Viet Nam.....	6 Apr 1988 a
Yemen ¹⁰	23 Jul 1963 a

<i>Participant</i>	<i>Accession(a), Succession(d)</i>
Zambia.....	16 Jun 1975 d
Zimbabwe.....	13 May 1991 a

***Declarations and Reservations
(Unless otherwise indicated, the declarations and reservations were made
upon accession or succession.)***

ALBANIA¹¹

The People's Republic of Albania does not consider itself bound by the provisions of section 30, which provide that any difference arising out of the interpretation or application of the present Convention shall be brought before the International Court of Justice, whose opinion shall be accepted as decisive by the parties; with respect to the competence of the Court in disputes relating to the interpretation or application of the Convention, the People's Republic of Albania will continue to maintain, as it has heretofore, that in every individual case the agreement of all the parties to the dispute is required in order that the dispute may be laid before the International Court of Justice for a ruling.

ALGERIA¹¹

The Democratic and Popular Republic of Algeria does not consider itself bound by section 30 of the said Convention which provides for the compulsory jurisdiction of the International Court of Justice in the case of differences arising out of the interpretation or application of the Convention. It declares that, for the submission of a particular dispute to the International Court of Justice for settlement, the consent of all parties to the dispute is necessary in each case. This reservation also applies to the provision of the same section that the advisory opinion given by the International Court of Justice shall be accepted as decisive.

ARMENIA

Reservation:

"The Republic of Armenia hereby declares that the paragraph c of the Section 18 of the Convention shall not apply to the nationals of the Republic of Armenia."

BAHRAIN

Declaration:

"The accession by the State of Bahrain to the said Convention shall in no way constitute recognition of Israel or be a cause for the establishment of any relations of any kind therewith."

BELARUS¹¹

The Byelorussian Soviet Socialist Republic does not consider itself bound by the provision of section 30 of the Convention which envisages the compulsory jurisdiction of the International Court and, in regard to the competence of the International Court in differences arising out of the interpretation and application of the Convention, the Byelorussian Soviet Socialist Republic will, as hitherto, adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute is required in every individual case. This

reservation is equally applicable to the provisions contained in the same section, whereby the advisory opinion of the International Court shall be accepted as decisive.

BULGARIA^{11,12}

CANADA

"With the reservation that exemption from taxation imposed by any law in Canada on salaries and emoluments shall not extend to a Canadian citizen residing or ordinarily resident in Canada."

CHINA¹¹

The Government of the People's Republic of China has reservations on section 30, article VIII, of the Convention.

CZECH REPUBLIC^{4,11}

HUNGARY^{11,13}

INDONESIA¹¹

"Article 1 (b) section 1: The capacity of the United Nations to acquire and dispose of immovable property shall be exercised with due regard to national laws and regulations.

"Article VIII, section 30: With regard to competence of the International Court of Justice in disputes concerning the interpretation or application of the Convention, the Government of Indonesia reserves the right to maintain that in every individual case the agreement of the parties to the dispute is required before the Court for a ruling."

LAO PEOPLE'S DEMOCRATIC REPUBLIC

1. Laotian nationals domiciled or habitually resident in Laos shall not enjoy exemption from the taxation payable in Laos on salaries and income.

2. Laotian nationals who are officials of the United Nations shall not be immune from National Service obligations.

LITHUANIA¹⁴

Reservation:

"The Government of the Republic of Lithuania has made the reservation in respect of article 1 (1) (b), that the United Nations shall not be entitled to acquire land in the territory of the Republic of Lithuania, in view of the land regulations laid down by the article 47 of the Constitution of the Republic of Lithuania."

MEXICO

(a) The United Nations and its organs shall not be entitled to acquire immovable property in Mexican territory, in view of the property regulations laid down by the Political Constitution of the United Mexican States.

(b) Officials and experts of the United Nations and its organs who are of Mexican nationality shall enjoy, in the exercise of their functions in Mexican territory, exclusively those privileges which are granted them by section 18, paragraphs (a), (d), (f) and (g), and by section 22, paragraphs (a), (b), (c), (d) and (f) respectively, of the Convention on the Privileges and Immunities of the United Nations, on the understanding that the inviolability established in the aforesaid section 22, paragraph (c), shall be granted only for official papers and documents.

MONGOLIA^{11,15}

NEPAL¹¹

"Subject to the reservation with regard to section 18 (c) of the Convention, that United Nations officials of Nepalese nationality shall not be exempt from service obligations applicable to them pursuant to Nepalese law; and

"Subject to the reservation with regard to section 30 of the Convention, that any difference arising out of the interpretation or application of the Convention to which Nepal is a party, shall be referred to the International Court of Justice only with the specific agreement of His Majesty's Government of Nepal."

PORTUGAL

Reservation:

The exemption established in paragraph (b) of section 18 shall not apply with respect to Portuguese Nationals and Residents in the Portuguese Territory which have not acquired this quality for the purpose of the exercise of their activity."

QATAR

Reservation:

.....the State of Qatar has reservation on section (30) of article (8) of the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946.

The State of Qatar does not consider itself bound by the provisions of section (30) of the aforementioned Convention which provides for the compulsory jurisdiction of the International Court of Justice in the case of differences arising out of the interpretation or application of the Convention, and declares that the consent of all the parties to the dispute is necessary for the submission of any particular dispute to the International Court of Justice for settlement.

Furthermore, the State of Qatar does not consider the advisory opinion given by the International Court of Justice shall be accepted as decisive as indicated in above-mentioned section (30).

REPUBLIC OF KOREA

Reservation:

[The Government of the Republic of Korea declares] that the provision of paragraph (c) of section 18 of article V shall not apply with respect to Korean nationals.

ROMANIA¹¹

The Romanian People's Republic does not consider itself bound by the terms of section 30 of the Convention which provide for the compulsory jurisdiction of the

International Court in differences arising out of the interpretation or application of the Convention; with respect to the competence of the International Court in such differences, the Romanian People's Republic takes the view that, for the purpose of the submission of any dispute whatsoever to the Court for a ruling, the consent of all the parties to the dispute is required in every individual case. This reservation is equally applicable to the provisions contained in the said section which stipulate that the advisory opinion of the International Court is to be accepted as decisive.

RUSSIAN FEDERATION^{11,16}

The Soviet Union does not consider itself bound by the provision of section 30 of the Convention which envisages the compulsory jurisdiction of the International Court, and in regard to the competence of the International Court in differences arising out of the interpretation and application of the Convention, the Soviet Union will, as hitherto, adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute is required in every individual case. This reservation is equally applicable to the provision contained in the same section, whereby the advisory opinion of the International Court shall be accepted as decisive.

SLOVAKIA^{4,11}

SOUTH AFRICA

Reservations:

"The Government of the Republic of South Africa does not consider itself bound by the provisions of Article II, Section 5 in so far as it relates to the buying, selling and holding of gold as certain limitations exist in the Republic regarding the buying, selling and holding of gold. Explanatory note: the buying, selling and holding of gold in the Republic is regulated. In terms of Exchange Control Regulation 2 no person other than an Authorised Dealer may buy or borrow any gold from, or sell to, any person not being an Authorised Dealer, unless exemption from Exchange Control Regulation 5 has been authorised (Mining Houses and Mining Producers may elect to sell their total gold holdings to the approved counter parties, including foreign counter parties, provided that the Exchange Control Department of the South African Reserve Bank has given the necessary exemption from the aforementioned regulation).

Pending a decision by the Government of the Republic of South Africa on the compulsory jurisdiction of the International Court of Justice, the Government of the Republic does not consider itself bound by the terms of Article VIII, Section 30 of the Convention which provides for the compulsory jurisdiction of the International Court of Justice in differences arising out of the interpretation or application of the Convention. The Republic will adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute is required in every individual case. This reservation is equally applicable to the provisions contained in the said section, which stipulate that the advisory opinion of the International Court is to be accepted as decisive."

THAILAND

"Officials of the United Nations of Thai nationality shall not be immune from national service obligations".

TURKEY¹⁷

With the following reservations:

(a) The deferment, during service with the United Nations, of the second period of military service of Turkish nationals who occupy posts with the said Organization, will be arranged in accordance with the procedures provided in Military Law No. 1111, account being taken of their position as reserve officers or private soldiers, provided that they complete their previous military service as required under Article 6 of the above-mentioned Law, as reserve officers or private soldiers.

(e) Turkish nationals entrusted by the United Nations with a mission in Turkey as officials of the Organization are subject to the taxes payable by their fellow citizens. They must make an annual declaration of their salaries in accordance with the provisions set forth in chapter 4, section 2, of Law No. 5421 concerning income tax.

UKRAINE¹¹

The Ukrainian Soviet Socialist Republic does not consider itself bound by the provision of section 30 of the Convention which envisages the compulsory jurisdiction of the International Court and, in regard to the competence of the International Court in differences arising out of the interpretation and application of the Convention, the Ukrainian Soviet Socialist Republic will, as hitherto, adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute is required in every individual case. This reservation is equally applicable to the provision contained in the same section, whereby the advisory opinion of the International Court shall be accepted as decisive.

UNITED STATES OF AMERICA

"(1) Paragraph (b) of section 18 regarding immunity from taxation and paragraph (c) of section 18 regarding immunity from national service obligations shall not apply with respect to United States nationals and aliens admitted for permanent residence.

"(2) Nothing in article IV, regarding the privileges and immunities of representatives of Members, in article VI, regarding the privileges and immunities of United Nations officials, or in article VI, regarding the privileges and immunities of experts on missions for the United Nations, shall be construed to grant any person who has abused his privileges of residence by activities in the United States outside his official capacity exemption

from the laws and regulations of the United States regarding the continued residence of aliens, provided that:

"(a) No proceedings shall be instituted under such laws or regulations to require any such person to leave the United States except with the prior approval of the Secretary of State of the United States. Such approval shall be given only after consultation with the appropriate Member in the case of a representative of a Member (or member of his family) or with the Secretary-General in the case of any person referred to in articles V and VI;

"(b) A representative of the Member concerned or the Secretary-General, as the case may be, shall have the right to appear in any such proceedings on behalf of the person against whom they are instituted;

"(c) Persons who are entitled to diplomatic privileges and immunities under the Convention shall not be required to leave the United States otherwise than in accordance with the customary procedure applicable to members of diplomatic missions accredited or notified to the United States.

VENEZUELA (BOLIVARIAN REPUBLIC OF)

Reservations:

With regard to article I, section 1(b), of the Convention, the following reservation is made:

The acquisition of immovable property by the United Nations shall be subject to the condition set forth in the Constitution of the Republic of Venezuela and to the restrictions established by the law provided for therein.

With regard to articles V and VI of the Convention, the following reservation is made:

Venezuela hereby states that the proviso established in section 15 of article IV of this Convention shall also apply with respect to articles V and VI *ejusdem*.

VIET NAM¹¹

1. Disputes concerning the interpretation or application of the Convention shall be referred to the International Court of Justice for settlement only with the consent of all parties concerned.

2. The opinion of the International Court of Justice referred to in article VIII, section 30, shall be merely advisory and shall not be considered decisive without the consent of all parties concerned.

Notes:

¹ Resolution 22 A (I). See *Resolutions adopted by the General Assembly during the First Part of its First Session* (A/64), p. 25.

² The former Yugoslavia had acceded to the Convention on 30 June 1950. See also note 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

³ See note 2 under "China" and note 2 under "United Kingdom of Great Britain and Northern Ireland" regarding Hong Kong in the "Historical Information" section in the front matter of this volume.

⁴ Czechoslovakia had acceded to the Convention on 7

September 1955 with a reservation to section 30 of the Convention. The reservation was subsequently withdrawn by a notification received on 26 April 1991. For the text of the reservation, see United Nations, *Treaty Series*, vol. 214, p. 348. See also note 11 in this chapter and note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of this volume.

⁵ See note 1 under "Germany" regarding Berlin (West) in the "Historical Information" section in the front matter of this volume.

⁶ The German Democratic Republic had acceded to the Convention on 4 October 1974 with a reservation. For the text of the reservation, see United Nations, *Treaty Series*, vol. 950, p. 354. See also note 11 in this chapter and note 2 under

“Germany” in the “Historical Information” section in the front matter of this volume.

⁷ On 16 March 1994, the Secretary-General received from the Government of Greece the following communication:

"Accession of the former Yugoslav Republic of Macedonia to the Convention on the Privileges and Immunities of the United Nations 1946 does not imply its recognition on behalf of the Hellenic Republic.

See also note 1 under “Greece” in the “Historical Information” section in the front matter of this volume.

⁸ See note 1 under “Montenegro” in the “Historical Information” section in the front matter of this volume.

⁹ In a communication received on 25 November 1960, the Government of New Zealand gave notice of the withdrawal of the reservation made upon deposit of its instrument of accession. For the text of that reservation, see United Nations, *Treaty Series*, vol. 11, p. 406. See also note 1 under “New Zealand” regarding Tokelau in the “Historical Information” section in the front matter of this volume.

¹⁰ The formality was effected by the Yemen Arab Republic. See also note 1 under “Yemen” in the “Historical Information” section in the front matter of this volume.

¹¹ The Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General, on the dates indicated, that it was unable to accept certain reservations made by the States listed below because in its view they were not of the kind which intending parties to the Convention have the right to make.

Date of the receipt of the objection, or date on which it was circulated by the ***With respect to reservation***

Secretary-General:

4 August 1954*	Belarus
4 August 1954*	Ukraine
4 August 1954*	Russian Federation
1 December 1955*	Czechoslovakia
6 September 1956*	Romania
4 September 1956*	Hungary
3 October 1957*	Albania
20 June 1967*	Algeria
20 June 1967*	Bulgaria
20 June 1967*	Mongolia
20 June 1967*	Nepal
21 September 1972	Indonesia
29 November 1979	Germany
8 November 1979	China
30 January 1990	Viet Nam

* Date the objection was circulated.

¹² In a communication received on 7 August 1989, the Government of Bulgaria notified the Secretary-General that it had decided to withdraw, with effect on that same date, the reservation in respect to Section 30 of the Convention made upon accession. For the text of the reservation, see United Nations, *Treaty Series*, vol. 376, p. 402.

¹³ In a communication received on 8 December 1989, the Government of Hungary notified the Secretary-General that it had decided to withdraw the reservation with respect to Section 30 of the Convention made upon accession. For the text of the reservation, see United Nations, *Treaty Series*, vol. 248, p. 358.

¹⁴ Subsequently, the Government of Lithuania notified the Secretary-General of the following:

"Article 47 of the Constitution gives an exhaustive list of subjects who have the right to ownership over land plots. The provisions of article 47 of the Constitution of the Republic of Lithuania and other laws of the Republic of Lithuania do not entitle international intergovernmental organizations to own the plot of land.

It is important to note that the Constitution of the Republic of Lithuania and other laws of the Republic of Lithuania provide the right to the subjects, international intergovernmental organizations among others, to long-term land lease which might be up to 99 years. In accordance with procedural and administrative requirements of the national legislation, international intergovernmental organizations, for the effective performance of their obligations, may conclude agreements, acquire and dispose of necessary movable and immovable property and may institute legal proceedings.

[The Government of Lithuania] would like to emphasize that this reservation has a temporary character and in light of legal reform, changes in the current legislation are feasible."

¹⁵ In a communication received on 19 July 1990, the Government of Mongolia notified the Secretary-General of its decision to withdraw the reservation it had made upon accession. For the text of the reservation, see United Nations, *Treaty Series*, vol. 429, p. 246.

¹⁶ By a communication received on 5 January 1955, the Government of Lebanon notified the Secretary-General that it objected to this reservation.

¹⁷ By a notification received by the Secretary-General on 20 June 1957, the Government of Turkey withdrew the second, third and fourth reservations contained in its instrument of accession. For the text of the reservations, see United Nations, *Treaty Series*, vol. 70, p. 266.