



FIRST ITEM ON THE AGENDA

The status of privileges and immunities of the International Labour Organization in member States

1. At its 301st Session (March 2008), the Governing Body reviewed the status in its member States of privileges and immunities of the International Labour Organization on the basis of a document setting out a preliminary strategy for enhancing their recognition.¹ Since then, the need to take action in this area has been reinforced by the ILO Declaration on Social Justice for a Fair Globalization (Social Justice Declaration), which calls for the Organization to support and assist its Members, including through technical cooperation and expert advice.² The ILO's privileges and immunities play an essential role in undertaking such activities effectively.
2. At its last review, the Governing Body requested the Director-General to renew, on its behalf, the invitation to concerned member States to accede to the Convention on the Privileges and Immunities of the Specialized Agencies (1947 Convention)³ and accept its Annex I relating to the ILO, as well as to report periodically on the situation and consider further measures to address the lack of recognition in those member States not yet parties to the 1947 Convention.⁴ This document provides information on recent developments and steps taken, with a view to developing further measures to enhance the recognition of the Organization's privileges and immunities, both in law and in practice.

Recent developments

3. While no further accessions of the 1947 Convention or acceptances of Annex I relating to the ILO have occurred since the last report, discussions on the subject have been held with

¹ GB.301/11, paras 3–13; GB.301/LILS/1.

² See, for example, ILO Declaration on Social Justice for a Fair Globalization, International Labour Conference, 97th Session, Geneva, 2008, section II(A)(ii) and Annex, II(C).

³ Approved by the General Assembly of the United Nations on 21 November 1947, UN Treaty Series, Vol. 33, p. 2(e).

⁴ GB.301/11, para. 13.

more than a dozen member States, with ongoing follow-up of the expressions of interest received. One member State, Somalia, has accorded to the ILO, by means of an exchange of *notes verbales*, the same level of privileges and immunities as those in the Convention and Annex I in all programmes of the ILO in the territory of Somalia. Overall, 112 out of 182 member States have ratified the 1947 Convention and agreed to apply Annex I relating to the ILO.⁵ Consequently, 70 member States have yet to accede to the Convention and the Annex relating to the ILO.⁶ In the context of technical cooperation, the necessity of obtaining independent recognition of the ILO's privileges and immunities has become even more evident, particularly within the framework of the United Nations (UN) system. In "Delivering as One" pilot countries and UN joint programmes in other member States, the ILO operates as one of the UN participating organizations, in contrast to the role of "executing agency" for the United Nations Development Programme (UNDP) which provides an alternative source for according the ILO privileges and immunities.

Progress

4. Recent efforts have aimed at encouraging the remaining 70 member States to accede to the 1947 Convention and apply Annex I, in particular those in which the ILO has offices or operations, those which are Governing Body members or hosts to ILO regional meetings, and those which have already ratified the Convention on the Privileges and Immunities of the United Nations (1946 Convention).
5. Ongoing measures to achieve this objective have built upon the preliminary strategy affirmed by the Governing Body at its 301st Session. They include strengthening the awareness of privileges and immunities and the critical role they play in the ILO's work, particularly through the following activities:
 - *Enhancing the visibility of the issue* through the dissemination of information, including ILO publications and briefings on the subject at the International Labour Conference and other ILO meetings. Steps include reproducing, in the forthcoming edition of the *Constitution of the International Labour Organisation and selected texts*, the resolutions concerning the privileges and immunities of the ILO adopted by the International Labour Conference at its 31st Session (1948);⁷ maintaining up to date information on the accession status of member States on the public web site of the ILO;⁸ briefing member States, including briefings by regional and executive directors during the 97th Session of the International Labour Conference (June 2008) and in direct discussions, through the Office of the Legal Adviser, with relevant ministries of foreign affairs, which are typically responsible for ratification of the 1947 Convention; and holding training round tables for ILO officials during directors' meetings in the Europe and Central Asia region, and the Asia and Pacific region.
 - *Building knowledge and capacity* of ILO constituents and officials, especially in the field, to identify and address practical issues of privileges and immunities, and to promote effective recognition of the ILO's privileges and immunities, including

⁵ By contrast, 151 member States have ratified the Convention on the Privileges and Immunities of the United Nations (1946).

⁶ See Appendix I for complete list. Since the last report, Tuvalu has joined the International Labour Organization.

⁷ See Appendix II for full texts of the resolutions.

⁸ www.ilo.org/public/english/bureau/leg/.

through accession to the 1947 Convention and its Annex I. To this end, consideration is being given to establishing an online training module. Such efforts are aimed at involving the social partners in enhancing the visibility of the issue and promoting accession to the 1947 Convention in tripartite consultations at country level.⁹

- *Developing alliances with other intergovernmental organizations* to address issues of accession to the 1947 Convention and disparities in the recognition given to the ILO, the UN and UN specialized agencies in different duty stations. The 1947 Convention affects not only the ILO, but other specialized agencies that benefit from its coverage.¹⁰ In consultation with other UN specialized agencies on the question of accession by member States to the 1947 Convention, several of the agencies joined the ILO in recognizing the need to prepare a common action plan. Advances in cooperation with the UN, including with respect to its function as depository of the Convention, included the featuring of the 1947 Convention in the 2008 Treaty Event held during the high-level segment of the UN General Assembly (September 2008).¹¹
- *Incorporating privileges and immunities* as a corollary to the ILO's activities. As one step, at its 301st Session (March 2008), the Governing Body approved amendments to the *Rules for Regional Meetings*, which were confirmed by the International Labour Conference at its 97th Session (June 2008). Article 2, paragraph 2, of the revised *Rules* provides: "A member State which offers to host a Regional Meeting shall guarantee at least the level of protection afforded under the Convention on the Privileges and Immunities of the Specialized Agencies, 1947, including its Annex I concerning the International Labour Organization."¹²

Further measures

6. Along with continuing to pursue the above measures, further steps could be taken to address the impact of privileges and immunities on the planning and execution of ILO operations in member States. Consideration could be given to the collection and Office-wide dissemination of information on how member States implement aspects of the 1947 Convention in order to avoid practical difficulties relating to privileges and immunities. Such difficulties include unforeseen delays involving personnel transfers and travel on behalf of the Organization due to problems in the issuance of visas and other entry arrangements, or unexpected budgeting revisions due to lack of accessible information about taxes and import duties and uncertainty as to receipt of reimbursements (if no exemption at source exists). An accessible reference source for practical country-specific information could assist in setting ILO priorities and could be exchanged with other interested UN specialized agencies with a view to developing common priorities relating to privileges and immunities in the "Delivering as One" UN framework.

⁹ For example, through the tripartite procedures for consultations under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

¹⁰ In addition to the ILO, the 1947 Convention has specific annexes for the FAO, UNESCO, ICAO, IMF, IBRD, WHO, UPU, ITU, IRO, WMO, IMO, IFC, IDA, WIPO, IFAD and UNIDO.

¹¹ Treaty events have been held annually at United Nations headquarters commencing with the Millennium Summit in September 2000. A total of over 1,350 treaty actions (signatures, ratifications, etc.) have been undertaken at these treaty events.

¹² ILO: *Rules for Regional Meetings*, Geneva, 2008 (RM/2008/SO).

7. While accession to the 1947 Convention and acceptance of its Annex I remain the optimal course for recognition of the privileges and immunities of the ILO, the Governing Body may wish to consider further measures to ensure that, prior to the ILO commencing activities in the territory of a member State, a member State guarantees at least the level of protection afforded under the 1947 Convention and its Annex I relating to the ILO. This could be done through the negotiation of bilateral agreements with member States,¹³ similar to the practice of organizations such as the UNDP, the International Telecommunication Union (ITU) and the World Health Organization (WHO). Further study could be undertaken on the practices of other UN specialized agencies in this regard with a view to developing further measures, with the guidance of the Governing Body.

8. *In light of the above, the Committee may wish to recommend to the Governing Body to:*

(a) reaffirm the importance of the resolutions concerning the privileges and immunities of the ILO and concerning the interim arrangements in regard to the privileges and immunities of the ILO, adopted by the International Labour Conference at its 31st Session (1948);

(b) encourage member States, which have yet to do so, to accede to the 1947 Convention on Privileges and Immunities of the Specialized Agencies and apply its Annex I relating to the ILO; and

(c) request the Office to continue to report periodically on the status of the privileges and immunities of the ILO in the member States, and to include in the next such report consideration of relevant practices of other UN agencies, with a view to taking further measures.

Geneva, 16 February 2009.

Point for decision: Paragraph 8.

¹³ See exchange of *notes verbales* between the ILO and Somalia, discussed in paragraph 3.

Appendix I

Member State	Convention on the Privileges and Immunities of the United Nations (does <i>not</i> cover the ILO) (date of accession/succession)	Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)	Annex I (ILO) to the Convention on the Privileges and Immunities of the Specialized Agencies (date of application/succession)
Afghanistan	05 September 1947	–	–
Albania	02 July 1957	15 December 2003	04 October 2007
Algeria	31 October 1963	25 March 1964	25 March 1964
Angola	09 August 1990	–	–
Antigua and Barbuda	25 October 1988	14 December 1988	14 December 1988
Argentina	12 October 1956	10 October 1963	10 October 1963
Armenia	29 April 2004	–	–
Australia	02 March 1949	09 May 1986	09 May 1986
Austria	10 May 1957	21 July 1950	21 July 1950
Azerbaijan	13 August 1992	–	–
Bahamas	17 March 1977	17 March 1977	17 March 1977
Bahrain	17 September 1992	17 September 1992	17 September 1992
Bangladesh	13 January 1978	–	–
Barbados	10 January 1972	19 November 1971	19 November 1971
Belarus	22 October 1953	18 March 1966	18 March 1966
Belgium	25 September 1948	14 March 1962	14 March 1962
Belize	14 September 2005	–	–
Benin	–	–	–
Bolivia	23 December 1949	–	–
Bosnia and Herzegovina	01 September 1993	01 September 1993	01 September 1993
Botswana	–	05 April 1983	05 April 1983
Brazil	15 December 1949	22 March 1963	22 March 1963
Brunei Darussalam	–	–	–
Bulgaria	30 September 1960	13 June 1968	13 June 1968
Burkina Faso	27 April 1962	06 April 1962	06 April 1962
Burundi	17 March 1971	–	–
Cambodia	06 November 1963	15 October 1953	02 July 2007
Cameroon	20 October 1961	30 April 1992	30 April 1992
Canada	22 January 1948	–	–
Cape Verde	–	–	–
Central African Republic	04 September 1962	15 October 1962	15 October 1962
Chad	–	–	–
Chile	15 October 1948	21 September 1951	21 September 1951
China	11 September 1979	11 September 1979	09 November 1984
Colombia	06 August 1974	–	–
Comoros	–	–	–

Member State	Convention on the Privileges and Immunities of the United Nations (does <i>not</i> cover the ILO) (date of accession/succession)	Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)	Annex I (ILO) to the Convention on the Privileges and Immunities of the Specialized Agencies (date of application/succession)
Congo	15 October 1962	–	–
Costa Rica	26 October 1949	–	–
Côte d'Ivoire	08 December 1961	08 September 1961	28 December 1961
Croatia	12 October 1992	12 October 1992	12 October 1992
Cuba	09 September 1959	13 September 1972	13 September 1972
Cyprus	05 November 1963	06 May 1964	06 May 1964
Czech Republic	22 February 1993	22 February 1993	22 February 1993
Democratic Republic of the Congo	08 December 1964	08 December 1964	08 December 1964
Denmark	10 June 1948	25 January 1950	25 January 1950
Djibouti	06 April 1978	–	–
Dominica	24 November 1987	24 June 1988	24 June 1988
Dominican Republic	07 March 1947	–	–
Ecuador	22 March 1956	08 June 1951	08 June 1951
Egypt	17 September 1948	28 September 1954	28 September 1954
El Salvador	09 July 1947	–	–
Equatorial Guinea	–	–	–
Eritrea	–	–	–
Estonia	21 October 1991	08 October 1997	08 October 1997
Ethiopia	22 July 1947	–	–
Fiji	21 June 1971	21 June 1971	21 June 1971
Finland	31 July 1958	31 July 1958	31 July 1958
France	18 August 1947	02 August 2000	02 August 2000
Gabon	13 March 1964	29 June 1961	30 November 1982
Gambia	01 August 1966	01 August 1966	01 August 1966
Georgia	17 December 2007	18 July 2007	18 July 2007
Germany	05 November 1980	10 October 1957	10 October 1957
Ghana	05 August 1958	09 September 1958	09 September 1958
Greece	29 December 1947	21 June 1977	21 June 1977
Grenada	–	–	–
Guatemala	07 July 1947	30 June 1951	30 June 1951
Guinea	10 January 1968	01 July 1959	29 March 1968
Guinea-Bissau	–	–	–
Guyana	28 December 1972	13 September 1973	13 September 1973
Haiti	06 August 1947	16 April 1952	16 April 1952
Honduras	16 May 1947	–	–
Hungary	30 July 1956	02 August 1967	02 August 1967
Iceland	10 March 1948	17 January 2006	17 January 2006
India	13 May 1948	10 February 1949	10 February 1949

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Indonesia	08 March 1972	08 March 1972	08 March 1972
Iran, Islamic Republic of	08 May 1947	16 May 1974	16 May 1974
Iraq	15 September 1949	09 July 1954	09 July 1954
Ireland	10 May 1967	10 May 1967	10 May 1967
Israel	21 September 1949	–	–
Italy	03 February 1958	30 August 1985	30 August 1985
Jamaica	09 September 1963	04 November 1963	04 November 1963
Japan	18 April 1963	18 April 1963	18 April 1963
Jordan	03 January 1958	12 December 1950	23 August 2007
Kazakhstan	26 August 1998	–	–
Kenya	01 July 1965	01 July 1965	01 July 1965
Kiribati	–	–	–
Korea, Republic of	9 April 1992	13 May 1977	22 March 2006
Kuwait	13 December 1963	13 November 1961	07 February 1963
Kyrgyzstan	28 January 2000	–	–
Lao People's Democratic Republic	24 November 1956	09 August 1960	09 August 1960
Latvia	21 November 1997	19 December 2005	19 December 2005
Lebanon	10 March 1949	–	–
Lesotho	26 November 1969	26 November 1969	26 November 1969
Liberia	14 March 1947	–	–
Libyan Arab Jamahiriya	28 November 1958	30 April 1958	30 April 1958
Lithuania	09 December 1993	10 February 1997	10 February 1997
Luxembourg	14 February 1949	20 September 1950	20 September 1950
Madagascar	23 May 1962	03 January 1966	03 January 1966
Malawi	17 May 1966	02 August 1965	02 August 1965
Malaysia	28 October 1957	29 March 1962	29 March 1962
Mali	28 March 1968	24 June 1968	24 June 1968
Malta	27 June 1968	27 June 1968	27 June 1968
Marshall Islands	–	–	–
Mauritania	–	–	–
Mauritius	18 July 1969	18 July 1969	18 July 1969
Mexico	26 November 1962	–	–
Moldova, Republic of	12 April 1995	–	–
Mongolia	31 May 1962	03 March 1970	03 March 1970
Montenegro	23 October 2006	23 October 2006	23 October 2006
Morocco	18 March 1957	28 April 1958	10 June 1958
Mozambique	08 May 2001	–	–
Myanmar	25 January 1955	–	–

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Namibia	17 July 2006	–	–
Nepal	28 September 1965	23 February 1954	11 September 1996
Netherlands	19 April 1948	02 December 1948	02 December 1948
New Zealand	10 December 1947	25 November 1960	25 November 1960
Nicaragua	29 November 1947	06 April 1959	06 April 1959
Niger	25 August 1961	15 May 1968	15 May 1968
Nigeria	26 June 1961	26 June 1961	26 June 1961
Norway	18 August 1947	25 January 1950	25 January 1950
Oman	–	–	–
Pakistan	22 September 1948	23 July 1951	15 September 1961
Panama	27 May 1947	–	–
Papua New Guinea	04 December 1975	–	–
Paraguay	02 October 1953	13 January 2006	13 January 2006
Peru	24 July 1963	–	–
Philippines	28 October 1947	20 March 1950	20 March 1950
Poland	08 January 1948	19 June 1969	19 June 1969
Portugal	14 October 1998	–	–
Qatar	26 September 2007	–	–
Romania	05 July 1956	15 September 1970	15 September 1970
Russian Federation	22 September 1953	10 January 1966	10 January 1966
Rwanda	15 April 1964	15 April 1964	15 April 1964
Saint Kitts and Nevis	–	–	–
Saint Lucia	27 August 1986	02 September 1986	–
Saint Vincent and the Grenadines	–	–	–
Samoa	–	–	–
San Marino	–	–	–
Sao Tome and Principe	–	–	–
Saudi Arabia	–	–	–
Senegal	27 May 1963	02 March 1966	02 March 1966
Serbia	12 March 2001	12 March 2001	12 March 2001
Seychelles	26 August 1980	24 July 1985	24 July 1985
Sierra Leone	13 March 1962	13 March 1962	13 March 1962
Singapore	18 March 1966	18 March 1966	18 March 1966
Slovakia	28 May 1993	28 May 1993	28 May 1993
Slovenia	06 July 1992	06 July 1992	06 July 1992
Solomon Islands	–	–	–
Somalia	09 July 1963	–	–
South Africa	30 August 2002	30 August 2002	30 August 2002

Member State	Convention on the Privileges and Immunities of the United Nations (does <i>not</i> cover the ILO) (date of accession/succession)	Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)	Annex I (ILO) to the Convention on the Privileges and Immunities of the Specialized Agencies (date of application/succession)
Spain	31 July 1974	26 September 1974	26 September 1974
Sri Lanka	19 June 2003	–	–
Sudan	21 March 1977	–	–
Suriname	–	–	–
Swaziland	–	–	–
Sweden	28 August 1947	12 September 1951	12 September 1951
Switzerland	–	–	–
Syrian Arab Republic	29 September 1953	–	–
Tajikistan	19 October 2001	–	–
Tanzania, United Republic of	29 October 1962	29 October 1962	29 October 1962
Thailand	30 March 1956	30 March 1956	19 June 1961
The former Yugoslav Republic of Macedonia	18 August 1993	11 March 1996	11 March 1996
Timor-Leste	–	–	–
Togo	27 February 1962	15 July 1960	–
Trinidad and Tobago	19 October 1965	19 October 1965	19 October 1965
Tunisia	07 May 1957	03 December 1957	03 December 1957
Turkey	22 August 1950	–	–
Turkmenistan	23 November 2007	–	–
Tuvalu	–	–	–
Uganda	09 July 2001	11 August 1983	11 August 1983
Ukraine	20 November 1953	13 April 1966	13 April 1966
United Arab Emirates	02 June 2003	11 December 2003	11 December 2003
United Kingdom	17 September 1946	16 August 1949	16 August 1949
United States	29 April 1970	–	–
Uruguay	16 February 1984	29 December 1977	29 December 1977
Uzbekistan	–	18 February 1997	18 February 1997
Vanuatu	–	2 January 2008	2 January 2008
Venezuela, Bolivarian Republic of	21 December 1998	–	–
Viet Nam	06 April 1988	–	–
Yemen	23 July 1963	–	–
Zambia	16 June 1975	16 June 1975	16 June 1975
Zimbabwe	13 May 1991	05 March 1991	05 March 1991

Appendix II

Resolution concerning the privileges and immunities of the International Labour Organisation

Adopted on 10 July 1948 by the International Labour Conference at its Thirty-First Session

Whereas the Constitution of the International Labour Organisation, as amended by the 1946 Instrument of Amendment, provides that the International Labour Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that delegates to the Conference, members of the Governing Body and the Director-General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation; and

Whereas the General Assembly of the United Nations adopted on 13 February 1946 a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and the various specialised agencies; and

Whereas consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialised agencies, including the International Labour Organisation; and

Whereas by a resolution adopted on 21 November 1947 the General Assembly of the United Nations approved a Convention on the privileges and immunities of the specialised agencies which is submitted to the specialised agencies for acceptance and to every Member of the United Nations and every other State Member of one or more of the specialised agencies for accession; and

Whereas the Convention on the privileges and immunities of the specialised agencies approved by the General Assembly of the United Nations consists of standard clauses applicable to all specialised agencies and of draft annexes relating to each of the agencies; and

Whereas this Convention becomes applicable to each specialised agency only when the final text of the annex relating to that agency has been adopted by it and transmitted to the Secretary-General of the United Nations; and

Whereas this Convention in no way limits or prejudices the privileges and immunities which have been or may hereafter be accorded by any State to any specialised agency by reason of the location in the territory of that State of its headquarters or regional offices:

The General Conference of the International Labour Organisation,

Desiring to define the privileges and immunities of the International Labour Organisation within the meaning of paragraph 3 of article 40 of the Constitution of the Organisation,

Accepts on behalf of the International Labour Organisation the standard clauses of the Convention on the privileges and immunities of the specialised agencies as modified by the annex relating to the International Labour Organisation attached to the present Resolution;

Authorises the Director-General of the International Labour Office to transmit to the Secretary-General of the United Nations the said annex and to inform him that the International Labour Organisation accepts the standard clauses as modified by the said annex and undertakes to give effect to the provisions indicated in section 37 of the standard clauses in accordance with the terms thereof;

Invites the States Members of the International Labour Organisation to accede to the Convention on the privileges and immunities of the specialised agencies and to undertake to apply the provisions thereof to the International Labour Organisation; and

Authorises the Director-General to communicate the text of the Convention on the privileges and immunities of the specialised agencies, including the annex relating to the International Labour Organisation, to those of the Members of the International Labour Organisation which are not Members of the United Nations and to invite them to accede thereto in accordance with the terms of Article 42 of the Convention.

Standard clauses of the Convention on the Privileges and Immunities of the Specialized Agencies *

Whereas the General Assembly of the United Nations adopted on 13 February 1946 a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various specialized agencies; and

Whereas consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialized agencies;

Consequently by resolution 179 (II) adopted on 21 November 1947, the General Assembly has approved the following Convention, which is submitted to the specialized agencies for acceptance and to every Member of the United Nations and to every other State member of one or more of the specialized agencies for accession.

Article I

DEFINITION AND SCOPE

Section I

In this Convention:

- (i) The words "standard clauses" refer to the provisions of articles II to IX.
- (ii) The words "specialized agencies" mean:
 - (a) The International Labour Organization;
 - (b) The Food and Agriculture Organization of the United Nation
 - (c) The United Nations Educational, Scientific and Cultural Organization;
 - (d) The International Civil Aviation Organization;
 - (e) The International Monetary Fund;
 - (f) The International Bank for Reconstruction and Development;
 - (g) The World Health Organization;
 - (h) The Universal Postal Union;
 - (i) The International Telecommunication Union; and
 - (j) Any other agency in relationship with the United Nations in accordance with Articles 57 and 63 of the Charter.

* Editorial note: The Standard Clauses originally published by the ILO are replaced in this edition by the official text found in the 1947 Convention on the Privileges and Immunities of the Specialized Agencies published by the United Nations.

- (iii) The word “Convention” means, in relation to any particular specialized agency, the standard clauses as modified by the final (or revised) text of the annex transmitted by that agency in accordance with sections 36 and 38.
- (iv) For the purposes of article III, the words “property and assets” shall also include property and funds administered by a specialized agency in furtherance of its constitutional functions.
- (v) For the purposes of articles V and VII, the expression “representatives of members” shall be deemed to include all representatives, alternates, advisers, technical experts and secretaries of delegations
- (vi) In sections 13, 14, 15 and 25, the expression “meetings convened by a specialized agency” means meetings: (1) of its assembly and of its executive body (however designated), and (2) of any commission provided for in its constitution; (3) of any international conference convened by it; and (4) of any committee of any of these bodies
- (vii) The term “executive head” means the principal executive official of the specialized agency in question, whether designated “Director-General” or otherwise.

Section 2

Each State party to this Convention in respect of any specialized agency to which this Convention has become applicable in accordance with section 37 shall accord to, or in connexion with, that agency the privileges and immunities set forth in the standard clauses on the conditions specified therein, subject to any modification of those clauses contained in the provisions of the final (or revised) annex relating to that agency and transmitted in accordance with sections 36 or 38.

Article II

JURIDICAL PERSONALITY

Section 3

The specialized agencies shall possess juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, (c) to institute legal proceedings.

Article III

PROPERTY, FUNDS AND ASSETS

Section 4

The specialized agencies, their 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 they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 5

The premises of the specialized agencies shall be inviolable. The property and assets of the specialized agencies, 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 6

The archives of the specialized agencies, and in general all documents belonging to them or held by them, shall be inviolable, wherever located.

Section 7

Without being restricted by financial controls, regulations or moratoria of any kind:

- (a) The specialized agencies may hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) The specialized agencies may freely transfer their funds, gold or currency from one country to another or within any country and convert any currency held by them into any other currency.

Section 8

Each specialized agency shall, in exercising its rights under section 7 above, pay due regard to any representations made by the Government of any State party to this Convention in so far as it is considered that effect can be given to such representations without detriment to the interests of the agency.

Section 9

The specialized agencies, their assets, income and other property shall be:

- (a) Exempt from all direct taxes; it is understood, however, that the specialized agencies will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the specialized agencies for their official use; it is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed to with the Government of that country;
- (c) Exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications.

Section 10

While the specialized agencies will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which forms part of the price to be paid, nevertheless when the specialized agencies are making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Convention will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article IV

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 11

Each specialized agency shall enjoy, in the territory of each State party to this Convention in respect of that agency, for its official communications, treatment not less favourable than that accorded by the Government of such State to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

Section 12

No censorship shall be applied to the official correspondence and other official communications of the specialized agencies.

The specialized agencies shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Convention and a specialized agency

Article V

REPRESENTATIVES OF MEMBERS

Section 13

Representatives of members at meetings convened by a specialized agency shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;
- (b) Inviolability for all papers and documents;
- (c) The right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State which they are visiting or through which they are passing in the exercise of their functions;
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Section 14

In order to secure for the representatives of members of the specialized agencies at meetings convened by them complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 15

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of members of the specialized agencies at meetings convened by them are present in a member State for the discharge of their duties shall not be considered as periods of residence.

Section 16

Privileges and immunities are accorded to the representatives of members, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the specialized agencies. Consequently, a member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 17

The provisions of sections 13, 14 and 15 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

Article VI

OFFICIALS

Section 18

Each specialized agency will specify the categories of officials to which the provisions of this article and of article VIII shall apply. It shall communicate them to the Governments of all States parties to this Convention in respect of that agency and to the Secretary-General of the United Nations. The names of the officials included in these categories shall from time to time be made known to the above-mentioned Governments.

Section 19

Officials of the specialized agencies shall:

- (a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

- (b) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agencies and on the same conditions as are enjoyed by officials of the United Nations;
- (c) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (d) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;
- (e) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;
- (f) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 20

The officials of the specialized agencies shall be exempt from national service obligations, provided that in relation to the States of which they are nationals, such exemption shall be confined to officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the executive head of the specialized agency and approved by the State concerned.

Should other officials of specialized agencies be called up for national service, the State concerned shall, at the request of the specialized agency concerned, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Section 21

In addition to the immunities and privileges specified in sections 19 and 20, the executive head of each specialized agency, including any official acting on his behalf during his absence from duty, shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 22

Privileges and immunities are granted to officials in the interests of the specialized agencies only and not for personal benefit of the individuals themselves. Each specialized agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialized agency.

Section 23

Each specialized agency shall co-operate at all times with the appropriate authorities of member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this article.

Article VII

ABUSES OF PRIVILEGE

Section 24

If any State party to this Convention considers that there has been an abuse of a privilege or immunity conferred by this Convention, consultations shall be held between that State and the specialized agency concerned to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the specialized agency concerned, the question whether an abuse of a privilege or immunity has occurred shall be submitted to the International Court of Justice in accordance with section 32. If the International Court of Justice finds that such an abuse has occurred, the State party to this Convention affected by such abuse shall have the right, after notification to the specialized agency in question, to withhold from the specialized agency concerned the benefits of the privilege or immunity so abused.

Section 25

1. Representatives of members at meetings convened by specialized agencies, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 18, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country provided that:

2. (I) Representatives of members, or persons who are entitled to diplomatic immunity under section 21, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.

(II) In the case of an official to whom section 21 is not applicable, no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the executive head of the specialized agency concerned; and, if expulsion proceedings are taken against an official, the executive head of the specialized agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted

Article VIII

LAISSEZ-PASSER

Section 26

Officials of the specialized agencies shall be entitled to use the United Nations *laissez-passer* in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies, to which agencies special powers to issue *laissez-passer* may be delegated. The Secretary-General of the United Nations shall notify each State party to this Convention of each administrative arrangement so concluded.

Section 27

States parties to this Convention shall recognize and accept the United Nations *laissez-passer* issued to officials of the specialized agencies as valid travel documents.

Section 28

Applications for visas, where required, from officials of specialized agencies holding United Nations *laissez-passer*, when accompanied by a certificate that they are travelling on the business of a specialized agency, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 29

Similar facilities to those specified in section 28 shall be accorded to experts and other persons who, though not the holders of United Nations *laissez-passer*, have a certificate that they are travelling on the business of a specialized agency.

Section 30

The executive heads, assistant executive heads, heads of departments and other officials of a rank not lower than head of department of the specialized agencies, travelling on United Nations *laissez-passer* on the business of the specialized agencies, shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

Article IX

SETTLEMENT OF DISPUTES

Section 31

Each specialized agency shall make provision for appropriate modes of settlement of:

- (a) Disputes arising out of contracts or other disputes of private character to which the specialized agency is a party;
- (b) Disputes involving any official of a specialized agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of section 22.

Section 32

All differences arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between one of the specialized agencies on the one hand, and a member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court and the relevant provisions of the agreements concluded between the United Nations and the specialized agency concerned. The opinion given by the Court shall be accepted as decisive by the parties.

Article X

ANNEXES AND APPLICATION TO INDIVIDUAL SPECIALIZED AGENCIES

Section 33

In their application to each specialized agency, the standard clauses shall operate subject to any modifications set forth in the final (or revised) text of the annex relating to that agency, as provided in sections 36 and 38.

Section 34

The provisions of the Convention in relation to any specialized agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instrument.

Section 35

Draft annexes I to IX¹ are recommended to the specialized agencies named therein. In the case of any specialized agency not mentioned by name in section 1, the Secretary-General of the United Nations shall transmit to the agency a draft annex recommended by the Economic and Social Council.

Section 36

The final text of each annex shall be that approved by the specialized agency in question in accordance with its constitutional procedure. A copy of the annex as approved by each specialized agency shall be transmitted by the agency in question to the Secretary-General of the United Nations and shall thereupon replace the draft referred to in section 35.

Section 37

The present Convention becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex, and undertakes to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of section 32 which may be found necessary in order to make the final text of the annex consonant with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency. The Secretary-General shall communicate to all Members of the United Nations and to other States members of the specialized agencies certified copies of all annexes transmitted to him under this section and of revised annexes transmitted under section 38.

¹ For the text of the above-mentioned draft annexes, see *Official Records of the General Assembly, Second Session, Resolutions*, page 124 *et seq.*

Section 38

If, after the transmission of a final annex under section 36, any specialized agency approves any amendments thereto in accordance with its constitutional procedure, a revised annex shall be transmitted by it to the Secretary-General of the United Nations.

Section 39

The provisions of this Convention shall in no way limit or prejudice the privileges and immunities which have been, or may hereafter be, accorded by any State to any specialized agency by reason of the location in the territory of that State of its headquarters or regional offices. This Convention shall not be deemed to prevent the conclusion between any State party thereto and any specialized agency of supplemental agreements adjusting the provisions of this Convention or extending or curtailing the privileges and immunities thereby granted.

Section 40

It is understood that the standard clauses, as modified by the final text of an annex sent by a specialized agency to the Secretary-General of the United Nations under section 36 (or any revised annex sent under section 38), will be consistent with the provisions of the constitutional instrument then in force of the agency in question, and that if any amendment to that instrument is necessary for the purpose of making the constitutional instrument so consistent, such amendment will have been brought into force in accordance with the constitutional procedure of that agency before the final (or revised) annex is transmitted.

The Convention shall not itself operate so as to abrogate, or derogate from, any provisions of the constitutional instrument of any specialized agency or any rights or obligations which the agency may otherwise have, acquire, or assume.

Article XI

FINAL PROVISIONS

Section 41

Accession to this Convention by a Member of the United Nations and (subject to section 42) by any State member of a specialized agency shall be effected by deposit with the Secretary-General of the United Nations of an instrument of accession which shall take effect on the date of its deposit.

Section 42

Each specialized agency concerned shall communicate the text of this Convention together with the relevant annexes to those of its members which are not Members of the United Nations and shall invite them to accede thereto in respect of that agency by depositing an instrument of accession to this Convention in respect thereof either with the Secretary-General of the United Nations or with the executive head of the specialized agency.

Section 43

Each State party to this Convention shall indicate in its instrument of accession the specialized agency or agencies in respect of which it undertakes to apply the provisions of this Convention. Each State party to this Convention may by subsequent written notification to the Secretary-General of the United Nations undertake to apply the provisions of this Convention to one or more further specialized agencies. This notification shall take effect on the date of its receipt by the Secretary-General.

Section 44

This Convention shall enter into force for each State party to this Convention in respect of a specialized agency when it has become applicable to that agency in accordance with section 37 and the State party has undertaken to apply the provisions of the Convention to that agency in accordance with section 43.

Section 45

The Secretary-General of the United Nations shall inform all Members of the United Nations, as well as all members of the specialized agencies, and executive heads of the specialized agencies, of the deposit of each instrument of accession received under section 41 and of subsequent notifications received under section 43. The executive head of a specialized agency shall inform the Secretary-General of the United Nations and the members of the agency concerned of the deposit of any instrument of accession deposited with him under section 42.

Section 46

It is understood that, when an instrument of accession or a subsequent notification is deposited on behalf of any State, this State will be in a position under its own law to give effect to the terms of this Convention, as modified by the final texts of any annexes relating to the agencies covered by such accessions or notifications.

Section 47

1. Subject to the provisions of paragraphs 2 and 3 of this section, each State party to this Convention undertakes to apply this Convention in respect of each specialized agency covered by its accession or subsequent notification, until such time as a revised convention or annex shall have become applicable to that agency and the said State shall have accepted the revised convention or annex. In the case of a revised annex, the acceptance of States shall be by a notification addressed to the Secretary-General of the United Nations, which shall take effect on the date of its receipt by the Secretary-General.

2. Each State party to this Convention, however, which is not, or has ceased to be, a member of a specialized agency, may address a written notification to the Secretary-General of the United Nations and the executive head of the agency concerned to the effect that it intends to withhold from that agency the benefits of this Convention as from a specified date, which shall not be earlier than three months from the date of receipt of the notification.

3. Each State party to this Convention may withhold the benefit of this Convention from any specialized agency which ceases to be in relationship with the United Nations.

4. The Secretary-General of the United Nations shall inform all member States parties to this Convention of any notification transmitted to him under the provisions of this section.

Section 48

At the request of one third of the States parties to this Convention, the Secretary-General of the United Nations will convene a conference with a view to its revision.

Section 49

The Secretary-General of the United Nations shall transmit copies of this Convention to each specialized agency and to the Government of each Member of the United Nations.

Annex to the Convention relating to the International Labour Organisation *

In their application to the International Labour Organization the standard clauses shall operate subject to the following provisions:

1. Article V (other than paragraph (c) of section 13) and section 25, paragraphs 1 and 2 (I), of article VII shall extend to the employers' and workers' members and deputy members of the Governing Body of the International Labour Organization and their substitutes, except that any waiver of the immunity of any such person member under section 16 shall be by the Governing Body.

2. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to any Deputy Director-General of the International Labour Office and any Assistant Director-General of the International Labour Office.

3. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connexion with service on such committees or missions:

- (a) Immunity from personal arrest or seizure of their personal baggage;
- (b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;
- (c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Government on temporary official missions;
- (d) Inviolability of their papers and documents relating to the work on which they are engaged for the Organization.

(ii) In connexion with (d) of 3 (i) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.

* Editorial note: The Annex originally published by the ILO is replaced in this edition by the official text of Annex I found in the 1947 Convention on the Privileges and Immunities of the Specialized Agencies published by the United Nations.

- (iii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

Resolution concerning interim arrangements in regard to the privileges and immunities of the International Labour Organisation

Adopted on 10 July 1948 by the International Labour Conference at its Thirty-First Session

Whereas the General Assembly of the United Nations has recognized that it is necessary that the specialised agencies should enjoy, at the earliest possible date, the privileges and immunities essential for an efficient exercise of their respective functions, and has pointed out that a considerable delay will necessarily ensue before the Convention on privileges and immunities of the specialised agencies becomes operative in the case of the various agencies; and

Whereas the General Assembly has therefore recommended that the States Members of the United Nations, pending their formal accession to the general Convention concerning the privileges and immunities of specialised agencies, including the annexes relating to each agency, should immediately accord as far as possible to or in connection with the specialised agencies, the benefit of the privileges and immunities provided in the said general Convention and its annexes, it being understood that the specialised agencies may take any necessary parallel action in regard to those of their Members which are not Members of the United Nations:

The General Conference of the International Labour Organisation

Recommends that the States Members of the International Labour Organisation, whether or not they are Members of the United Nations, should, pending their formal accession to the general Convention concerning the privileges and immunities of the specialised agencies as modified by the annex relating to the International Labour Organisation, immediately accord as far as possible to and in connection with the International Labour Organisation the benefit of the privileges and immunities provided for in the said general Convention as modified by the annex relating to the International Labour Organisation.