

No. 663

**INTERNATIONAL TELECOMMUNICATION
UNION
and
SWITZERLAND**

Agreement between the Swiss Federal Council and the International Telecommunication Union concerning the legal status of that organization in Switzerland. Signed at Geneva on 22 July 1971

Arrangement for the execution of the above-mentioned Agreement. Signed at Geneva on 22 July 1971

Authentic texts: French.

Filed and recorded at the request of the International Telecommunication Union on 11 August 1971.

**UNION INTERNATIONALE
DES TÉLÉCOMMUNICATIONS
et
SUISSE**

Accord entre le Conseil fédéral suisse et l'Union internationale des télécommunications pour régler le statut juridique de cette organisation en Suisse. Signé à Genève le 22 juillet 1971

Arrangement d'exécution de l'Accord susmentionné. Signé à Genève le 22 juillet 1971

Textes authentiques: français.

Classés et inscrits au répertoire à la demande de l'Union internationale des télécommunications le 11 août 1971.

[TRANSLATION¹— TRADUCTION²]

AGREEMENT³ BETWEEN THE SWISS FEDERAL COUNCIL
AND THE INTERNATIONAL TELECOMMUNICATION
UNION CONCERNING THE LEGAL STATUS OF THAT
ORGANIZATION IN SWITZERLAND

The Swiss Federal Council, of the one part, and
The International Telecommunication Union, of the other,
Wishing to conclude an agreement to regulate the legal status of
the International Telecommunication Union in Switzerland, have agreed
on the following provisions:

Article 1

FREEDOM OF ACTION OF THE I.T.U.

1. The Federal Council guarantees to the International Telecommuni-
cation Union (hereinafter called the Union) the independence and freedom
of action belonging to it as an international institution.

2. In particular, it recognizes that the Union and its Members in
their relations with the Union enjoy absolute freedom of meeting,
including freedom of discussion and decision.

Article 2

PERSONALITY

The Federal Council recognizes the international personality and legal
capacity of the Union.

Article 3

IMMUNITIES AND PRIVILEGES

The Union shall enjoy the immunities and privileges granted in

¹ Translation supplied by the International Telecommunication Union.

² Traduction fournie par l'Union internationale des télécommunications.

³ Came into force on 22 July 1971 by signature, in accordance with article 29.

Switzerland, now or in the future, to the United Nations¹ and its specialized agencies.²

Article 4

INVIOABILITY

1. The buildings or parts of buildings and the adjoining ground used for the purposes of the Union, by whomsoever they may be owned, shall be inviolable. No agent of the Swiss Federal, cantonal or communal public authority may enter them without the express consent of the Union. Only the Secretary-General or his duly authorized representative shall be competent to waive this right of inviolability.

2. The archives of the Union and in general all documents belonging to it or in its possession which are intended for its official use shall be inviolable at all times, wherever they may be.

3. The Union shall be responsible for the control of its premises and for keeping order therein.

Article 5

IMMUNITY FROM LEGAL PROCESS AND IMMUNITY FROM OTHER MEASURES

1. The Union shall enjoy immunity from penal, civil and administrative process except in so far as this immunity is formally waived by the Secretary-General or his duly authorized representative. The insertion in a contract of a clause recognizing the jurisdiction of an ordinary court shall constitute formal waiver of the immunity. However, in the absence of a clause expressly to the contrary, such waiver shall not extend to any measure of execution.

2. The buildings or parts of buildings, the adjoining grounds and the assets owned by the Union or used by it for its purposes, wherever they may be and by whomsoever they may be held, shall be immune from any search, requisition, seizure or measure of execution.

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

² *Ibid.*, vol. 33, p. 261. For the final and revised texts of annexes published subsequently, see vol. 71, p. 318; vol. 79, p. 326; vol. 117, p. 386; vol. 275, p. 298; vol. 314, p. 308; vol. 323, p. 364; vol. 327, p. 326; vol. 371, p. 266; vol. 423, p. 284; vol. 559, p. 348, and vol. 645, p. 340.

Article 6

COMMUNICATIONS

1. The Union shall enjoy for its official communications treatment not less favourable than that accorded to the United Nations in Switzerland, to the extent compatible with the International Telecommunication Convention.

2. The provisions of the present article shall in no way affect the obligations accepted by Switzerland as a Member of the Union with regard to service telecommunications exchanged between the Union and its Members.

3. The Union shall have the right to use codes for its official communications and to despatch and receive its correspondence by duly identified courier or bags which shall have the same immunities and privileges as diplomatic couriers and bags.

4. No censorship shall be applied to the duly authenticated official correspondence and other official communications of the Union.

Article 7

PUBLICATIONS

The import and export of publications of the Union shall not be subject to any restrictive measures.

Article 8

FISCAL POSITION

1. The Union, its assets, income and other property shall be exempt from direct federal, cantonal and communal taxation. With regard to immovable property, however, such exemption shall apply only to that which is owned by the Union and which is occupied by its services and to income derived therefrom.

2. The Union shall be exempt from indirect federal, cantonal and communal taxation.

3. The Union shall be exempt from all federal, cantonal and communal charges which do not represent charges for specific services rendered.

4. If necessary, the exemptions mentioned above may be applied by way of reimbursement at the request of the Union and in accordance with

a procedure to be determined by the Union and the competent Swiss authorities.

Article 9

CUSTOMS POSITION

The customs clearance of articles intended for the Union shall be governed by the customs regulations of the Federal Council which are applicable to international organizations (Customs Regulations) and which are an integral part of the present agreement.

Article 10

FREE DISPOSAL OF FUNDS

1. The Union may receive, hold, convert and transfer funds, gold and any notes, specie and securities of any kind, and may dispose of them freely both within Switzerland and in its relations with other countries.

2. The present article also applies to Members of the Union in their relations with the Union.

Article 11

STATUS OF PERMANENT REPRESENTATIVES OF MEMBERS OF THE UNION

The permanent representatives of Members of the Union shall enjoy the immunities and privileges granted to the members of equivalent rank of diplomatic missions accredited to the Federal Council.

Article 12

STATUS OF REPRESENTATIVES OTHER THAN PERMANENT REPRESENTATIVES

1. The representatives of the Members of the Union, their deputies, technical experts, advisers and secretaries of delegations sent to Switzerland on official business with the principal and subsidiary organs of the Union or to conferences convened by it shall enjoy the following privileges and immunities in the discharge of their duties in Switzerland and during their journeys in Switzerland to or from the place of meeting:

- a) immunity from personal arrest or detention and, in respect of words spoken or written and acts performed by them in the discharge of their duties, immunity from jurisdiction;
- b) inviolability of the person, place or residence and all objects belonging to the person concerned;
- c) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration and national service obligations;
- d) customs facilities granted under the Customs Regulations;
- e) the same immunities and facilities in respect of their personal luggage as are accorded to diplomatic agents;
- f) the same facilities in respect of currency or exchange regulations as are accorded to representatives of foreign governments on official missions.

2. The representatives of Members shall have the right to use cyphers in their official communications and to receive or send documents or correspondence by courier or in diplomatic bags in accordance with Article 27 of the Vienna Convention on Diplomatic Relations dated 18 April 1961.¹

3. In order to secure for the representatives of Members of the Union on its principal and subsidiary organs and at conferences convened by the Union complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

Article 13

OBJECT OF THE PRIVILEGES AND IMMUNITIES ACCORDED TO REPRESENTATIVES

Privileges and immunities are accorded to the representatives of Members of the Union, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Union. Consequently, a Member of the Union not only has the right but is under a duty to waive the

¹ United Nations, *Treaty Series*, vol. 500, p. 95.

immunity of its representative in any case where, in the opinion of that Member, the immunity would impede the course of justice and it can be waived without prejudice to the purpose for which the immunity is accorded.

Article 14

STATUS OF THE SECRETARY-GENERAL AND OF OFFICIALS IN CERTAIN CATEGORIES

The Secretary-General of the Union and certain officials of the categories designated by him with the agreement of the Federal Council shall enjoy the privileges, immunities, exemptions and facilities granted to diplomatic agents in accordance with international law and custom.

Article 15

IMMUNITIES AND FACILITIES ACCORDED TO ALL OFFICIALS

The officials of the Union, irrespective of nationality, shall enjoy the following immunities and facilities:

- a) exemption from jurisdiction in respect of words spoken or written and acts performed in the discharge of their duties, notwithstanding that the persons concerned are no longer officials;
- b) exemption from all federal, cantonal and communal taxes on salaries, emoluments and indemnities paid to them by the Union. Capital sums due in any circumstances by a pension fund or provident fund within the meaning of article 19 of the present agreement shall also be exempt at the time of payment from Swiss taxes; the same principle shall apply to all the indemnities for sickness, accidents, etc. paid to agents, officials or employees of the Union.

Article 16

IMMUNITIES AND FACILITIES ACCORDED TO OFFICIALS NOT OF SWISS NATIONALITY

Officials of the Union who are not of Swiss nationality shall:

- a) be exempt from national service obligations in Switzerland;
- b) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;
- c) be accorded the same privileges in respect of exchange facilities as are

accorded to officials of the Office of the United Nations at Geneva;

- d) be given, together with the members of their families and their domestic staff, the same repatriation facilities in the event of international crisis as are accorded to officials of the Office of the United Nations at Geneva;
- e) enjoy the customs facilities provided in the Customs Regulations.

Article 17

EXPERTS ON MISSIONS FOR THE UNION

Experts (other than officials coming within the scope of article 15) performing special missions for the Union shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular, they shall be accorded:

- a) exemption from immigration restrictions, aliens' registration and national service obligations;
- b) immunity from personal arrest or detention and from seizure of their personal baggage;
- c) in respect of words spoken and written and acts performed by them in the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Union;
- d) inviolability for all papers and documents;
- e) for the purpose of their communications with the Union, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- f) the same facilities in respect of currency or exchange regulations as are accorded to representatives of foreign governments on temporary official missions;
- g) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents.

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

Article 18

OTHER PERSONS SUMMONED BY THE UNION

The Swiss authorities shall take the necessary measures to facilitate the entry into, sojourn in, and departure from Swiss territory of all persons, irrespective of their nationality, having official business with the Union.

Article 19

PENSION FUNDS AND SPECIAL FUNDS

1. Any pension fund or provident fund conducted under the authority of the Union shall enjoy legal capacity in Switzerland if it so requests. If its headquarters are in Switzerland it shall observe the forms prescribed by Swiss law. Insofar as it acts on behalf of Union officials, it shall be accorded the same exemptions, immunities and privileges as are accorded to the Union itself.

2. Funds and foundations with or without separate legal status, administered under the auspices of the Union and devoted to its official purposes, shall be given the benefit of the same exemptions, immunities and privileges as the Union itself with regard to all other properties except immovable property.

Article 20

SOCIAL INSURANCE

The Union shall be exempt from all compulsory contributions to general social insurance funds such as equalization, unemployment insurance and workmen's compensation funds, etc., on the understanding that the Union will, so far as possible, and under conditions to be agreed upon, insure with Swiss social insurance funds those of its agents who are not assured of equivalent social protection by the Union.

Article 21

OBJECT OF THE PRIVILEGES AND IMMUNITIES ACCORDED TO OFFICIALS

1. The privileges and immunities provided for in the present agreement in respect of officials of the Union are not designed for the personal benefit of those officials but solely to ensure the free functioning of the

Union and the complete independence of its agents in all circumstances.

2. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where he considers that such immunity would impede the course of justice and can be waived without prejudice to the interests of the Union. The Administrative Council shall have the power to waive the immunities of the Secretary-General.

Article 22

PREVENTION OF ABUSES

The Union and the Swiss authorities shall cooperate at all times to facilitate the proper administration of justice, secure the observance of police regulations and prevent any abuse in connection with the privileges, immunities and facilities provided for in this agreement.

Article 23

IDENTITY CARDS

1. The Federal Political Department shall furnish each official of the Union with an identity card bearing the photograph of the holder. This card, authenticated by the Federal Political Department and the Union, shall serve to identify the official in relation to all federal, cantonal and communal authorities. An identical card shall be furnished also to the dependent members of the families of the officials covered by articles 14 and 16 who form part of their households and do not exercise any lucrative activity.

2. The Union shall transmit regularly to the Federal Political Department a list of the officials of the Union and the members of their families, showing in each case the date of birth, nationality, residence in Switzerland and the category or class of function of each official.

Article 24

DISPUTES OF A PRIVATE NATURE

The Union shall make provision for appropriate methods of settlement of:

a) disputes arising out of contracts and disputes of a private law character to which the Union is a party;

- b) disputes involving an official of the Union who by reason of his official position enjoys immunity, if such immunity has not been waived under the provisions of articles 17 or 21.

Article 25

NON-RESPONSIBILITY OF SWITZERLAND

Switzerland shall not incur by reason of the activity of the Union on its territory any international responsibility for acts or omissions of the Union or of its agents acting or abstaining from acting within the limits of their functions.

Article 26

SECURITY OF SWITZERLAND

1. Nothing in the present agreement shall affect the right of the Swiss Federal Council to take the precautions necessary for the security of Switzerland.

2. If the Swiss Federal Council considers it necessary to apply the first paragraph of this article, it shall approach the Union as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary to protect the interests of the Union.

3. The Union shall collaborate with the Swiss authorities to avoid any prejudice to the security of Switzerland resulting from its activity.

Article 27

EXECUTION OF THE AGREEMENT BY SWITZERLAND

The Federal Political Department is the Swiss authority which is entrusted with the execution of this agreement and the arrangement for its execution.

Article 28

JURISDICTION

1. Any divergence of opinion concerning the application or interpretation of this agreement which has not been settled by direct conversations

between the parties may be submitted by either party to an arbitral tribunal of three members.

2. The Swiss Federal Council and the Union shall each choose one member of the tribunal.

3. The members so appointed shall choose their chairman.

4. In the event of disagreement between the members on the choice of chairman, the chairman shall be chosen by the President of the International Court of Justice at the request of the members of the tribunal.

5. The tribunal shall determine its own procedure.

Article 29

COMING INTO FORCE

This agreement shall come into force as soon as it has been signed on behalf of the Swiss Federal Council and in the name of the Union.

Article 30

MODIFICATION OF THE AGREEMENT

1. This agreement may be revised at the request of either party.

2. In this event, the two parties shall consult each other concerning the modifications to be made in its provisions.

3. If the negotiations do not result in an understanding within one year, the agreement may be denounced by either party giving two years' notice.

DONE and signed at Geneva, the 22nd of July 1971, in two copies.

For the Swiss Federal Council:

For the International
Telecommunication Union:

The Permanent Representative
of Switzerland to the International
Organizations at Geneva,

The Secretary-General,

[Signed]

JEAN HUMBERT

[SEAL]

[Signed]

MOHAMED MILI

[SEAL]

ARRANGEMENT¹ FOR THE EXECUTION OF THE AGREEMENT MADE BETWEEN THE SWISS FEDERAL COUNCIL AND THE INTERNATIONAL TELECOMMUNICATION UNION CONCERNING THE LEGAL STATUS OF THAT ORGANIZATION IN SWITZERLAND²

Article 1

IMPORT AND EXPORT OF GOODS

The Swiss Federal Council recognizes, so far as it is concerned that the provisions and restrictions on the import and export of goods are not applicable to objects for the official use of the International Telecommunication Union and necessary for its work, subject to the provisions of general international conventions and measures of a sanitary character, it being understood that it is for the Union to obtain any consent from other States which may be necessary to make this exemption effective.

Article 2

FISCAL POSITION

1. The Union may not be required to pay any tax on the rental due for premises leased by it and occupied by its services.

2. With regard to federal turnover tax, however, whether included in the price or patently transferred, the exemption shall apply only to purchases intended for the Union's official use and provided that the amount invoiced for one and the same purchase exceeds 100 Swiss francs.

Article 3

FREE DISPOSAL OF FUNDS

1. The Union may hold accounts in all currencies.

¹ Came into force on 22 July 1971 by signature, in accordance with article 10.

² See p. 319 of this volume.

2. The Union may freely transfer abroad funds, notes, specie and securities.

3. The Union may convert all moneys held by it into other currencies.

4. The Swiss Federal Council will have regard to the provisions of the preceding paragraphs of this article in its negotiations with foreign governments concerning the transfer of funds and goods.

Article 4

PRESS COMMUNICATIONS

The Union shall enjoy the preferential tariffs applicable to press communications, in accordance with the International Telecommunications Convention, for its communications addressed directly or through an intermediary to the press and radio.

Article 5

VISAS

1. For the purpose of facilitating the entry into Switzerland of the persons enumerated in articles 11, 12, 14, 16, 17 and 18 of the agreement, Swiss embassies and consulates abroad shall be given general instructions in advance to grant visas on production of a passport or any equivalent identity and travel document and of a document sufficient to establish the official relationship of the applicant to the Union.

2. Swiss embassies and consulates will be given instructions to grant visas without any delay or waiting period and without requiring the personal attendance of the applicant or the payment of charges.

3. The provisions of article 18 of the agreement and of this article shall apply in the same conditions to the members of the family of the person concerned as defined in article 23 of the agreement.

Article 6

STATUS OF REPRESENTATIVES OTHER THAN PERMANENT REPRESENTATIVES

Where the incidence of any form of taxation depends upon residence in Switzerland periods during which the representatives of Members of the Union on its principal and subsidiary organs and at meetings convened by

the Union are present in Switzerland for the discharge of their duties shall not be considered as periods of residence.

Article 7

IMMUNITIES AND FACILITIES ACCORDED TO OFFICIALS NOT OF SWISS NATIONALITY

Officials of the Union who are not of Swiss nationality shall enjoy the following exemptions and facilities:

- a) exemption from federal, cantonal and communal taxes in accordance with the usages established for the non-Swiss personnel of the international institutions in Geneva;
- b) the customs examination of luggage of the Union officials mentioned in this article shall be limited to the strict minimum.

Article 8

MILITARY SERVICE OF SWISS OFFICIALS

1. The Secretary-General of the Union shall communicate to the Swiss Federal Council a list of the officials of Swiss nationality who are subject to military obligations.

2. The Secretary-General of the Union and the Swiss Federal Council shall draw up by common agreement a restricted list of officials of Swiss nationality who, on account of their functions, will be accorded dispensations from military service.

3. In the event of the mobilization of other Swiss officials, the Union may request through the Federal Political Department a postponement of call-up or any other appropriate measures.

Article 9

DIPLOMATIC PASSPORTS

Officials of Swiss nationality, of the categories fixed by common agreement between the Secretary-General of the Union and the Swiss Federal Council, who travel on official mission or reside abroad on account of their functions shall be entitled to diplomatic passports issued by the Federal Political Department.

Article 10

COMING INTO FORCE

The present arrangement shall come into force as soon as it has been signed in the name of the Swiss Federal Council and in the name of the International Telecommunication Union.

Article 11

MODIFICATION OF THE ARRANGEMENT

1. This arrangement may be revised at the request of either party.
2. In this event the two parties shall consult each other concerning the modifications to be made in the provisions of the arrangement.
3. If the negotiations do not result in an understanding within one year, the arrangement may be denounced by either party giving two years' notice.

DONE and signed at Geneva on 22 July 1971, in two copies.

For the Swiss Federal Council:

The Permanent Representative
of Switzerland to the International
Organizations at Geneva,

[Signed]
JEAN HUMBERT

[SEAL]

For the International
Telecommunication Union:

The Secretary-General,

[Signed]
MOHAMED MILI

[SEAL]