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ORIGINAL: FRENCHAGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA  
REGARDING THE HEADQUARTERS OF THE UNITED NATIONS

## REPORT OF THE SIXTH COMMITTEE

Rapporteur: Mr. KARECKENBERG (Belgium)

The implementation of Articles 104 and 105 of the Charter has been studied successively by the Executive Committee, the Preparatory Commission and the General Assembly of the United Nations.

From the outset it had been felt that, in addition to a General Convention defining the Privileges and Immunities of the United Nations within the territory of each of its Members, a special agreement would have to be concluded with the country in which the United Nations established its headquarters. A special draft agreement prepared by the Preparatory Commission was, therefore, submitted to the General Assembly. The latter, after adopting the text of a General Convention on the Privileges and Immunities of the United Nations, which it submitted to all Members for their accession, authorized the Secretary-General (with the assistance of a committee of ten members) to negotiate with the competent authorities of the United States of America the arrangements required as a result of the establishment of the seat of the United Nations in the United States of America. (Resolution 22 (I) of 13 February 1946).

The final choice of the United Nations Headquarters' site was bound, however, to affect the wording of the proposed Agreement.

Thus, it was not until after the decision of the General Assembly establishing the headquarters of the United Nations in the City of New York (Resolution 100 (I) of 14 December 1946) that the Secretary-General was able to complete his negotiations and sign the Agreement on the United Nations Headquarters with the Secretary of State of the United States of America on 26 June 1947.

It is that Agreement which is now being submitted to the General Assembly.

In order to assist the General Assembly, the Sixth Committee asked its Sub-Committee on Privileges and Immunities to make a close study of the text of the Agreement.

Mr. Beckett, Rapporteur of the Sub-Committee, has drafted a detailed report which clarifies a number of points of interpretation. His report reads as follows:

- "1. By resolution 99 (I) adopted by the General Assembly on 14 December 1946, the General Assembly, in view of its decision that the permanent headquarters of the United Nations should be located in the City of New York, recognized that the draft agreement regarding the headquarters of the United Nations which had resulted from discussions between the Secretary-General and the negotiating committee on the one hand and the authorities of the United States of America on the other hand (document A/67) needed to be adapted to the circumstances of the new site. It accordingly authorized the Secretary-General to negotiate and conclude with the appropriate authorities of the United States of America an agreement concerning the arrangements required as a result of the establishment of permanent headquarters of the United Nations in New York, and further laid it down that, in negotiating this agreement, the Secretary-General should be guided by the provisions of the draft agreement (A/67) and that the new agreement negotiated by the Secretary-General should not come into force until approved by the General Assembly.
- "2. The same resolution provided that, pending the coming into force of this Headquarters Agreement, the Secretary-General was authorized to conclude arrangements with the appropriate authorities of the United States of America to determine on a provisional basis the privileges and immunities and facilities needed in connection with the temporary headquarters of the United Nations which are also situated in the State of New York.\*

The sub-committee was informed that negotiations have been initiated between the Secretary-General and the United States Authorities and that an early and successful conclusion can be anticipated.

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\* It is true that the official printed copy of paragraph 4 of the resolution actually uses the words "permanent headquarters of the United Nations", but the Committee is satisfied that there has been a simple clerical error and that paragraph 4 of the resolution intended to refer to the temporary headquarters at Lake Success and at Flushing.

"3. In accordance with the authority given to him by paragraph 1 of the resolution of 14 December, the Secretary-General, after negotiations, signed an agreement on 26 June last with the Secretary of State of the United States of America and, in accordance with paragraph 3 of the resolution, this Agreement provided (section 28) that it should be brought into effect by an exchange of notes between the Secretary-General, duly authorized pursuant to the resolution of the General Assembly of the United Nations, and the appropriate executive officer of the United States, duly authorized pursuant to appropriate action of Congress. Accordingly, the Secretary-General has now presented this Agreement to the General Assembly for approval, and the question is whether the Secretary-General should be authorized to proceed to an exchange of notes bringing the Agreement into force.

"4. In submitting the text of the Agreement the Secretary-General also submitted a covering report (A/371) which, amongst other things, showed that the Congress of the United States had taken the action necessary to authorize the President of the United States to bring the Agreement into force.

"5. The sub-committee confined its study to the text of the Agreement and compared it with the draft Agreement (A/67) referred to in the Assembly's resolution of last year. This examination showed that, though there were a considerable number of changes, all the changes which resulted, with certain exceptions to be mentioned later, were either simple adaptations rendered necessary by the fact that the headquarters district now decided on is a small area in the middle of the City of New York, whereas the previous draft agreement had in mind a much larger area in rural surroundings, or else mere changes of arrangements and drafting involving no difference in meaning.

"6. Of the changes which do not fall into these categories, certain constituted improvements on the position from the point of view of the United Nations, in particular in the matter of telecommunications (section 4), establishment of a postal service (section 6), persons invited to the headquarters district but not covered by the original draft (section 11).

"7. The provisions of section 13 (b) and (c) fall, however, into a different category. They deal with a matter which had not been dealt with in detail either in the draft agreement (A/67) or in the General Convention on the Privileges and Immunities of the United Nations.

/The sub-committee

The sub-committee considers that section 13 (b) of the Agreement, providing for the application by the United States of America of the laws and regulations in force in its territory regarding the residence of aliens in the United States of America, should be construed to mean that before any person can be required to leave the country on charges of having abused his privileges, there must be really serious grounds, which would preclude the possibility of unwarranted accusations against such a person.

The sub-committee also emphasized the importance of Section 13(b) (1), which provides that before any demand is made for the departure of a particular person on the grounds stated in section 13 (b) there shall be consultations between the United States authorities and the appropriate Government, in the case of a representative of such a Government or between the United States authorities and the Secretary-General of the United Nations or the principal executive officer of the appropriate specialized agency, in the case of any other person referred to in section 11.

"8. The sub-committee was of the opinion that these provisions referring to a case which would only be expected to arise very rarely, if ever, in practice, were acceptable.

"9. In the course of the discussion of the provisions of the Agreement, certain points arose which it was agreed should be mentioned in the report. These points are as follows:

- (a) In connection with section 11 it was pointed out that the expression "representatives of Members", which is not defined in the Headquarters Agreement itself, finds an appropriate definition in section 16 of the General Convention, the two instruments being complementary to each others.
- (b) In connection with section 12, the sub-committee was of the opinion that though this provision is by its own terms only applicable to section 11, no inference could be drawn, in the basis of the a contrario principle of interpretation, affecting the meaning of any other sections of the Agreement.
- (c) Section 15 was particularly discussed in connection with the proposal of the Argentine delegation (document A/378). It was, indeed, felt that sub-section (2) should be interpreted liberally and that section 16 of the General Convention might afford a convenient guide in considering what classes of persons on the staff of delegations might be included in the lists to be drawn up by agreement between the Secretary-General,

/the Government

the Government of the United States and the Government of the Member State concerned. As a result of a full discussion and after these explanations with regard to 15 (2) were given, the Argentine delegation declared itself satisfied and withdrew its proposal.

(d) In view of the fact that in sub-section (1) of section 15 the words "principal resident representative to the United Nations" are not qualified by, but are alternative to the words "resident representative with the rank of ambassador or minister plenipotentiary", the sub-committee was of the opinion that the position of a person who was designated by a Member as *chargé d'affaires ad interim* of its permanent delegation to the United Nations was satisfactorily covered by sub-section (1) if he is not a person on the list under sub-section (2).

The sub-Committee also considers that, pending the conclusion, between the Secretary-General, the Government of the United States of America and the Governments of the Member States concerned, of agreements laying down what categories of persons on the staffs of delegations may be included in the lists of persons enjoying privileges, these privileges should be granted to all the persons specified in section 16 of the General Convention on the Privileges and Immunities of the United Nations.

(e) In connection with section 16 (a), the sub-committee was of the opinion that the expression "on the boundaries of the headquarters district" meant just outside those boundaries.

(f) Section 20 provides for the conclusion between the Secretary-General and the appropriate United States authorities of any supplemental agreements that may be necessary to fulfil the purposes of the Headquarters Agreement. The sub-committee was of the opinion that the Secretary-General should have authority to conclude such supplemental agreements and that the General Assembly should in all cases be informed of their contents. In any case, however, where the proposed supplemental agreement involved, in the judgment of the Secretary-General, any question of importance for which he had not already received authority, the Secretary-General should obtain the approval of the General Assembly before the supplemental agreement became operative.

(g) With regard to section 28, the sub-committee was of the opinion that the notes exchanged for the purpose of bringing the Headquarters Agreement into force should be limited to effecting this purpose.

"10. The most complicated question which the sub-committee had to consider arose in connection with section 26, which provides that the provisions of the Headquarters Agreement are complementary to the provisions of the General Convention, and section 1 (1) (c), which states that the expression "General Convention" means the Convention on the Privileges and Immunities of the United Nations "as acceded to by the United States". It had not been contemplated that the Headquarters Agreement would be submitted to the General Assembly for approval before the United States Government had deposited its instrument of accession to the General Convention. In fact, although the United States Government submitted both instruments to Congress promptly after the signature of the Headquarters Agreement, the legislative process has not yet been completed in the case of the General Convention. In order that the United Nations can be satisfied that its position with regard to its headquarters is satisfactorily assured, it should be in a position to know that the United States is or will shortly be a party to the General Convention and upon what terms.

"11. Correspondence, which was brought to the attention of the sub-committee, disclosed that it was probable that the United States Government would be obliged to make reservations to (b) and (c) of section 18 of the General Convention, in so far as those sections apply to United States nationals employed by the United Nations, and further, that the United States Government was disposed to put upon the provisions of article VII, relating to the United Nations laissez-passer, an interpretation which would greatly diminish the value of the laissez-passer and might in a purely hypothetical case mean that movements of officials in and out of the United States might be impeded, although they were being sent abroad on official duties and United Nations business.

"12. The sub-committee was, however, of the opinion that none of these three points affected the provisions of the special agreement in such a manner that the General Assembly need hesitate to approve it and that consequently it should authorize the Secretary-General to bring it into force. On the other hand, if, in the improbable event of other reservations to the General Conventions being made on the part of the United States, a new situation would be created which should entitle the United Nations to re-open the matter.

"13. On the substance of these reservations the sub-committee did not feel entitled to make any observations with regard to section 18 (b) of the General Convention (exemption from taxation of the salaries and  
/emoluments

emoluments paid to officials by the United Nations) because this is a matter which lies within the scope of another committee. With regard to section 18 (c) (immunity of officials from national service obligations), the sub-committee was of opinion that, if the complete exemption of all officials of United States nationality from such obligations could not be accepted, it was most desirable that there should be no possibility of the work of the United Nations being hampered by the calling up of such officials, and commended this point for further discussion between the Secretary-General and the proper authorities of the United States.

"14. With regard to the laissez-passer, the sub-committee noted that, from the point of view of the United States, this was not a matter of legislation but of administration, and expressed the hope that further discussions on this point between the Secretary-General and the appropriate authorities of the United States might lead to a modification of the views of the United States Government as hitherto expressed to the Secretary-General, with the result that the provisions of Article VII relating to the laissez-passer should produce the full effects which they were designed to secure."

The Sixth Committee has approved this report unanimously. And being of opinion, for the reasons set out in this report, that the Headquarters Agreement should be approved and put into effect as soon as possible, it has also unanimously approved the following draft resolution which it recommends for adoption by the Assembly.

"THE GENERAL ASSEMBLY,

"WHEREAS the Secretary-General pursuant to resolution 99 (I) of 14 December 1946 signed with the Secretary of State of the United States of America on 26 June 1947 an Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations; and

"WHEREAS the Secretary-General in accordance with the said Resolution has submitted the said Agreement to the General Assembly;

"HAVING STUDIED the report prepared on this matter by the Sixth Committee;

"ENDORSES the opinions expressed therein;

"APPROVES the Agreement signed on 26 June 1947; and

"AUTHORIZES the Secretary-General to bring that Agreement into force in the manner provided in Section 28 thereof, and to perform on behalf of the United Nations such acts or functions as may be required by that Agreement."

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During the discussion of the report from the Sub-Committee on Privileges and Immunities, the Sixth Committee had before it a separate draft resolution submitted by the Polish delegation.

This resolution deals with Section 15 of the Agreement and more particularly with the designation of the members of the staffs of permanent delegations entitled to the privileges and immunities of diplomatic envoys in the United States.

The report adopted by the Sixth Committee refers expressly, in Section 9 (c), to the interpretation to be given to Section 15 of the Agreement.

However, the text of the Polish proposal contains, in the form of a separate resolution, a formal recommendation that the Secretary-General and the competent United States authorities be guided in considering that designation by the provisions of Section 16 of the General Convention which contains a definition of the expression "representatives of Members".

This draft resolution has been adopted unanimously by the Sixth Committee in the following form:

"THE GENERAL ASSEMBLY DECIDES to recommend to the Secretary-General and to the appropriate authorities of the United States of America to use section 16 of the General Convention on the Privileges and Immunities of the United Nations as a guide in considering - under sub-sections 2 and the last sentence of section 15 of the above-mentioned agreement regarding the Headquarters - what classes of persons on the staff of delegations might be included in the lists to be drawn up by agreement between the Secretary-General, the Government of the United States and the Government of the Member State concerned."

The Sixth Committee recommends that this resolution be adopted by the General Assembly.



AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA  
REGARDING THE HEADQUARTERS OF THE UNITED NATIONS

THE UNITED NATIONS AND THE UNITED STATES OF AMERICA:

Desiring to conclude an agreement for the purpose of carrying out the resolution adopted by the General Assembly on 14 December 1946 to establish the seat of the United Nations in the City of New York and to regulate questions arising as a result thereof;

Have appointed as their representatives for this purpose:

The United Nations:

Trygve LIE, Secretary-General, and

The United States of America:

George C. MARSHALL, Secretary of State,

Who have agreed as follows:

ARTICLE I

Definitions

SECTION 1

In this agreement:

(a) The expression "headquarters district" means:

- (1) the area defined as such in Annex 1;
- (2) any other lands or buildings which from time to time may be included therein by supplemental agreement with the appropriate American authorities;

(b) the expression "appropriate American authorities" means such federal, state, or local authorities in the United States as may be appropriate in the context and in accordance with the laws and customs of the United States, including the laws and customs of the state and local government involved;

(c) the expression "General Convention" means the Convention on the Privileges and Immunities of the United Nations approved by the General Assembly of the United Nations on 13 February 1946, as acceded to by the United States;

(d) the expression "United Nations" means the international organization established by the Charter of the United Nations, hereinafter referred to as the "Charter";

(e) the expression "Secretary-General" means the Secretary-General of the United Nations.

/ARTICLE II

## ARTICLE II

### The Headquarters District

#### SECTION 2

The seat of the United Nations shall be the headquarters district.

#### SECTION 3

The appropriate American authorities shall take whatever action may be necessary to assure that the United Nations shall not be dispossessed of its property in the headquarters district, except as provided in Section 22 in the event that the United Nations ceases to use the same, provided that the United Nations shall reimburse the appropriate American authorities for any costs incurred, after consultation with the United Nations, in liquidating by eminent domain proceedings or otherwise any adverse claims.

#### SECTION 4

(a) The United Nations may establish and operate in the headquarters district:

- (1) its own short-wave sending and receiving radio broadcasting facilities, including emergency link equipment, which may be used on the same frequencies (within the tolerances prescribed for the broadcasting service by applicable United States regulations) for radio-telegraph, radio-teletype, radio-telephone, radio-telephoto, and similar services;
- (2) one point-to-point circuit between the headquarters district and the office of the United Nations in Geneva (using single sideband equipment) to be used exclusively for the exchange of broadcasting programmes and inter-office communications;
- (3) low power, micro wave, low or medium frequencies, facilities for communication within headquarters buildings only, or such other buildings as may temporarily be used by the United Nations;
- (4) facilities for point-to-point communications to the same extent and subject to the same conditions as committed under applicable rules and regulations for amateur operation in the United States, except that such rules and regulations shall not be applied in a manner inconsistent with the inviolability of the headquarters district provided by Section 9 (a);
- (5) such other radio facilities as may be specified by supplemental agreement between the United Nations and the appropriate American authorities.

(b) The United Nations shall make arrangements for the operation of the services referred to in this section with the International Telecommunication Union, the appropriate agencies of the Government of the United States and the appropriate agencies of other affected Governments with regard to all frequencies and similar matters.

(c) The facilities provided for in this section may, to the extent necessary for efficient operation, be established and operated outside the headquarters district. The appropriate American authorities will, on request of the United Nations, make arrangements, on such terms and in such manner as may be agreed upon by supplemental agreement, for the

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acquisition or use by the United Nations of appropriate premises for such purposes and the inclusion of such premises in the headquarters district.

#### SECTION 5

In the event that the United Nations should find it necessary and desirable to establish and operate an aerodrome, the conditions for the location, use and operation of such an aerodrome and the conditions under which there shall be entry into and exit therefrom shall be the subject of a supplemental agreement.

#### SECTION 6

In the event that the United Nations should propose to organize its own postal service, the conditions under which such service shall be set up shall be the subject of a supplemental agreement.

### ARTICLE III

#### Law and Authority in the Headquarters District

#### SECTION 7

(a) The headquarters district shall be under the control and authority of the United Nations as provided in this agreement.

(b) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local law of the United States shall apply within the headquarters district.

(c) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local courts of the United States shall have jurisdiction over acts done and transactions taking place in the headquarters district as provided in applicable federal, state and local laws.

(d) The federal, state and local courts of the United States, when dealing with cases arising out of or relating to acts done or transactions taking place in the headquarters district, shall take into account the regulations enacted by the United Nations under Section 8.

#### SECTION 8

The United Nations shall have the power to make regulations, operative within the headquarters district, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters district. Any dispute, between the United Nations and the United States, as to whether a regulation of the United Nations is authorized by this section or as to whether a federal, state or local law or regulation is inconsistent with any regulation of the United Nations authorized by this section, shall be promptly settled as provided in Section 21. Pending such settlement, the regulation of the United Nations shall apply, and the federal, state or local law or regulation shall be inapplicable in the headquarters district to the extent that the United Nations claims it to be inconsistent with the regulation of the United Nations. This section shall not prevent the reasonable application of fire protection regulations of the appropriate American authorities.

## SECTION 9

(a) The headquarters district shall be inviolable. Federal, state or local officers or officials of the United States, whether administrative, judicial, military or police, shall not enter the headquarters district to perform any official duties therein except with the consent of and under conditions agreed to by the Secretary-General. The service of legal process, including the seizure of private property, may take place within the headquarters district only with the consent of and under conditions approved by the Secretary-General.

(b) Without prejudice to the provisions of the General Convention or Article IV of this agreement, the United Nations shall prevent the headquarters district from becoming a refuge either for persons who are avoiding arrest under the federal, state, or local law of the United States or are required by the Government of the United States for extradition to another country, or for persons who are endeavouring to avoid service of legal process.

## SECTION 10

The United Nations may expel or exclude persons from the headquarters district for violation of its regulations adopted under Section 8 or for other cause. Persons who violate such regulations shall be subject to other penalties or to detention under arrest only in accordance with the provisions of such laws or regulations as may be adopted by the appropriate American authorities.

## ARTICLE IV

### Communications and Transit

## SECTION 11

The federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of (1) representatives of Members or officials of the United Nations, or of specialized agencies as defined in Article 57, paragraph 2, of the Charter, or the families of such representatives or officials; (2) experts performing missions for the United Nations or for such specialized agencies; (3) representatives of the press, or of radio, film or other information agencies who have been accredited by the United Nations (or by such a specialized agency) in its discretion after consultation with the United States; (4) representatives of non-governmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the Charter; or (5) other persons invited to the headquarters district by the United Nations or by such specialized agency on official business. The appropriate American authorities shall afford any necessary protection to such persons while in transit to or from the headquarters district. This section does not apply to general interruptions of transportation which are to be dealt with as provided in Section 17, and does not impair the effectiveness of generally applicable laws and regulations as to the operation of means of transportation.

## SECTION 12

The provisions of Section 11 shall be applicable irrespective of the relations existing between the Governments of the persons referred to in that section and the Government of the United States.

SECTION 13

(a) Laws and regulations in force in the United States regarding the entry of aliens shall not be applied in such manner as to interfere with the privileges referred to in Section 11. When visas are required for persons referred to in that Section, they shall be granted without charge and as promptly as possible.

(b) Laws and regulations in force in the United States regarding the residence of aliens shall not be applied in such manner as to interfere with the privileges referred to in Section 11 and, specifically, shall not be applied in such manner as to require any such person to leave the United States on account of any activities performed by him in his official capacity. In case of abuse of such privileges of residence by any such person in activities in the United States outside his official capacity, it is understood that the privileges referred to in Section 11 shall not be construed to grant him exemption from the laws and regulations of the United States regarding the continued residence of aliens, provided that:

- (1) 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 a member of his family) or with the Secretary-General or the principal executive officer of the appropriate specialized agency in the case of any other person referred to in Section 11;
- (2) A representative of the Member concerned, the Secretary-General or the principal Executive Officer of the appropriate specialized agency, 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;
- (3) Persons who are entitled to diplomatic privileges and immunities under Section 15 or under the General Convention shall not be required to leave the United States otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the United States.

(c) This section does not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by Section 11 come within the classes described in that section, or the reasonable application of quarantine and health regulations.

(d) Except as provided above in this section and in the General Convention, the United States retains full control and authority over the entry of persons or property into the territory of the United States and the conditions under which persons may remain or reside there.

(e) The Secretary-General shall, at the request of the appropriate American authorities, enter into discussions with such authorities, with a view to making arrangements for registering the arrival and departure of persons who have been granted visas valid only for transit to and from the headquarters district and sojourn therein and in its immediate vicinity.

(f) The United Nations shall, subject to the foregoing provisions of this section, have the exclusive right to authorize or prohibit entry of persons and property into the headquarters district and to prescribe the conditions under which persons may remain or reside there.

## SECTION 14

The Secretary-General and the appropriate American authorities shall, at the request of either of them, consult as to methods of facilitating entrance into the United States, and the use of available means of transportation, by persons coming from abroad who wish to visit the headquarters district and do not enjoy the rights referred to in this Article.

## ARTICLE V

### Resident Representatives to the United Nations

## SECTION 15

- (1) Every person designated by a Member as the principal resident representative to the United Nations of such Member or as a resident representative with the rank of ambassador or minister plenipotentiary,
- (2) Such resident members of their staffs as may be agreed upon between the Secretary-General, the Government of the United States and the Government of the Member concerned,
- (3) Every person designated by a Member of a specialized agency, as defined in Article 57, paragraph 2, of the Charter, as its principal resident representative, with the rank of ambassador or minister plenipotentiary at the headquarters of such agency in the United States, and
- (4) Such other principal resident representatives of members of a specialized agency and such resident members of the staffs of representatives of a specialized agency as may be agreed upon between the principal executive officer of the specialized agency, the Government of the United States and the Government of the Member concerned, shall whether residing inside or outside the headquarters district, be entitled in the territory of the United States to the same privileges and immunities, subject to corresponding conditions and obligations, as it accords to diplomatic envoys accredited to it. In the case of Members whose governments are not recognized by the United States, such privileges and immunities need be extended to such representatives, or persons on the staffs of such representatives, only within the headquarters district, at their residences and offices outside the district, in transit between the district and such residences and offices, and in transit on official business to or from foreign countries.

## ARTICLE VI

### Police Protection of the Headquarters District

## SECTION 16

- (a) The appropriate American authorities shall exercise due diligence to ensure that the tranquility of the headquarters district is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in its immediate vicinity and shall cause to be provided on the boundaries of the headquarters district such police protection as is required for these purposes.

/(b) If so

(b) If so requested by the Secretary-General, the appropriate American authorities shall provide a sufficient number of police for the preservation of law and order in the headquarters district, and for the removal therefrom of persons as requested under the authority of the United Nations. The United Nations shall, if requested, enter into arrangements with the appropriate American authorities to reimburse them for the reasonable cost of such services.

#### ARTICLE VII

##### Public Services and Protection of the Headquarters District

#### SECTION 17

(a) The appropriate American authorities will exercise to the extent requested by the Secretary-General the powers which they possess with respect to the supplying of public services to ensure that the headquarters district shall be supplied on equitable terms with the necessary public services, including electricity, water, gas, post, telephone, telegraph, transportation, drainage, collection of refuse, fire protection, snow removal, et cetera. In case of any interruption or threatened interruption of any such services, the appropriate American authorities will consider the needs of the United Nations as being of equal importance with the similar needs of essential agencies of the Government of the United States, and will take steps accordingly, to ensure that the work of the United Nations is not prejudiced.

(b) Special provisions with reference to maintenance of utilities and underground construction are contained in Annex 2.

#### SECTION 18

The appropriate American authorities shall take all reasonable steps to ensure that the amenities of the headquarters district are not prejudiced and the purposes for which the district is required are not obstructed by any use made of the land in the vicinity of the district. The United Nations shall on its part take all reasonable steps to ensure that the amenities of the land in the vicinity of the headquarters district are not prejudiced by any use made of the land in the headquarters district by the United Nations.

#### SECTION 19

It is agreed that no form of racial or religious discrimination shall be permitted within the headquarters district.

#### ARTICLE VIII

##### Matters Relating to the Operation of this Agreement

#### SECTION 20

The Secretary-General and the appropriate American authorities shall settle by agreement the channels through which they will communicate regarding the application of the provisions of this agreement and other questions affecting the headquarters district; and may enter into such supplemental agreements as may be necessary to fulfill the purposes of this agreement. In making supplemental agreements with the

/Secretary-General

Secretary-General, the United States shall consult with the appropriate state and local authorities. If the Secretary-General so requests, the Secretary of State of the United States shall appoint a special representative for the purpose of liaison with the Secretary-General.

#### SECTION 21

(a) Any dispute between the United Nations and the United States concerning the interpretation or application of this agreement or of any supplemental agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General, one to be named by the Secretary of State of the United States, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

(b) The Secretary-General or the United States may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of such proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed by both parties. Thereafter, the arbitral tribunal shall render a final decision, having regard to the opinion of the Court.

#### ARTICLE IX

##### Miscellaneous Provisions

#### SECTION 22

(a) The United Nations shall not dispose of all or any part of the land owned by it in the headquarters district without the consent of the United States. If the United States is unwilling to consent to a disposition which the United Nations wishes to make of all or any part of such land, the United States shall buy the same from the United Nations at a price to be determined as provided in paragraph (d) of this section.

(b) If the seat of the United Nations is removed from the headquarters district, all right, title and interest of the United Nations in and to real property in the headquarters district or any part of it shall, on request of either the United Nations or the United States be assigned and conveyed to the United States. In the absence of such a request, the same shall be assigned and conveyed to the sub-division of a state in which it is located or, if such sub-division shall not desire it, then to the state in which it is located. If none of the foregoing desire the same, it may be disposed of as provided in paragraph (a) of this Section.

(c) If the United Nations disposes of all or any part of the headquarters district, the provisions of other sections of this agreement which apply to the headquarters district shall immediately cease to apply to the land and buildings so disposed of.

(d) The price to be paid for any conveyance under this section shall, in default of agreement, be the then fair value of the land, buildings and installations, to be determined under the procedure provided in Section 21.



### SECTION 23

The seat of the United Nations shall not be removed from the headquarters district unless the United Nations should so decide.

### SECTION 24

This agreement shall cease to be in force if the seat of the United Nations is removed from the territory of the United States, except for such provisions as may be applicable in connection with the orderly termination of the operations of the United Nations at its seat in the United States and the disposition of its property therein.

### SECTION 25

Wherever this agreement imposes obligations on the appropriate American authorities, the Government of the United States shall have the ultimate responsibility for the fulfillment of such obligations by the appropriate American authorities.

### SECTION 26

The provisions of this agreement shall be complementary to the provisions of the General Convention. In so far as any provision of this agreement and any provisions of the General Convention relate to the same subject matter, the two provisions shall, wherever possible, be treated as complementary, so that both provisions shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this agreement shall prevail.

### SECTION 27

This agreement shall be construed in the light of its primary purpose to enable the United Nations at its headquarters in the United States, fully and efficiently to discharge its responsibilities and fulfill its purposes.

### SECTION 28

This agreement shall be brought into effect by an exchange of notes between the Secretary-General, duly authorized pursuant to a resolution of the General Assembly of the United Nations, and the appropriate executive officer of the United States, duly authorized pursuant to appropriate action of the Congress.

In witness whereof the respective representatives have signed this Agreement and have affixed their seals hereto.

Done in duplicate, in the English and French languages, both authentic, at Lake Success, this twenty-sixth day of June, 1947.

### ANNEX 1

The area referred to in Section 1(a) (1) consists of:

(a) the premises bounded on the East by the westerly side of Franklin D. Roosevelt Drive, on the West by the easterly side of First Avenue, on the North by the southerly side of East Forty-Eighth Street, and on the South by the northerly side of East Forty-Second Street, all as proposed to be widened, in the Borough of Manhattan, City and State of New York, and

/(b) an easement over

(b) an easement over Franklin D. Roosevelt Drive, above a lower limiting plane to be fixed for the construction and maintenance of an esplanade, together with the structures thereon and foundations and columns to support the same in locations below such limiting plane, the entire area to be more definitely defined by supplemental agreement between the United Nations and the United States of America.

ANNEX 2

Maintenance of Utilities and Underground Construction

Section 1

The Secretary-General agrees to provide passes to duly authorized employees of the City of New York, the State of New York, or any of their agencies or sub-divisions, for the purpose of enabling them to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers within the headquarters district.

Section 2

Underground constructions may be undertaken by the City of New York, or the State of New York, or any of their agencies or sub-divisions, within the headquarters district only after consultation with the Secretary-General, and under conditions which shall not disturb the carrying out of the functions of the United Nations.

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