ACCEPTANCE OF THE CONVENTION ON THE PRIVILEGES AND
IMMUNITIES OF THE SPECIALIZED AGENCIES

Addendum 1

Note by the Secretary-General

In the following addendum, the Secretary-General informs the General Assembly of the position of the Office of Legal Affairs of the United Nations regarding the matter of the acceptance of the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations.
ACCEPTANCE OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES

Addendum 1

1. The Secretary-General informs the Members of the Organization that on 16 November, he transmitted to the Office of Legal Affairs of the United Nations, for opinion, the new draft text as approved by the eightieth session of the Executive Council, as well as the proposal of Japan.

2. In response, the Legal Counsel of the United Nations indicated to the Secretary-General that he preferred the draft annex adopted by the Executive Council (Annex 1), but that the annex proposed by Japan, slightly modified, could be acceptable. The proposal modified by the Legal Counsel of the United Nations appears in Annex 2.

3. The Secretary-General immediately sent this slightly modified version to the Government of Japan to obtain its agreement. In response, the Japanese authorities informed the Secretary-General that the proposal modified by the Legal Counsel of the United Nations could be acceptable to them on the understanding that the application of the annex would be subordinated to national legislative and regulatory stipulations.

4. Following another consultation on the part of the Secretary-General, the Legal Counsel of the United Nations responded that, to him, it did not seem possible to accommodate Japan's request.

5. The Office of Legal Affairs of the United Nations also mentions that while the delegations cannot be prevented from expressing, on their own behalf, the manner in which they intend to implement the annex, the inclusion of the above-mentioned restrictions in the text of the annex or in that of the UNWTO General Assembly resolution through which the annex is to be adopted is out of the question.

6. After these exchanges, it seemed to the Secretary-General that he had no choice—if Japan continued to insist on the subordination of the annex to national laws—but to recommend the adoption of the modified annex, in the version resulting from the decision taken by the Council at its eightieth session, which has received the agreement of a very large majority of the Members.

7. The Secretary-General has duly informed the Government of Japan of the position of the Office of Legal Affairs of the United Nations.
In their application to the World Tourism Organization (hereinafter referred to as “the Organization”), the standard clauses shall operate subject to the following modifications:

1. Article V and Section 25, paragraphs 1 and 2 (I) of Article VII of the Convention shall extend to the representatives of Associate Members participating in the work of the Organization in accordance with the Statutes of the World Tourism Organization (hereinafter referred to as “the Statutes”).

2. Representatives of Affiliate Members, participating in the activities of the Organization in accordance with the Statutes shall be granted the following privileges, immunities, and facilities, in order to safeguard the independent exercise of their official functions:

   (a) Immunity from legal process in respect of acts done by them strictly in the performance of official functions of the Organization;

   (b) Applications for visas, where required and when accompanied by a certificate that they are traveling on the business of the Organization, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel;

   (c) In connection with sub-paragraph (b) above, the principle contained in the last sentence of Section 12 of the standard clauses shall apply;

   (d) Immunity from legal process as referred to in sub-paragraph (a) above is granted to representatives of Affiliates Members solely in the interests of the Organization and not for the personal benefit of the individuals themselves. The Secretary-General of the Organization shall have the right and the duty to waive the immunity of such individuals in any case where in his/her opinion the immunity would impede the course of justice, and can be waived without prejudice to the interests of the Organization.”

3. Experts, other than officials coming within the scope of Article VI of the Convention, serving on organs and bodies of, or performing missions for, the Organization shall be accorded such privileges and immunities as are necessary for the independent and effective exercise of their functions, including the time spent on journeys in connection with service on organs and bodies or missions. In particular they shall be accorded:
(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 organs and bodies of, or employed on mission for, the Organization;

(c) Inviolability for all papers and documents relating to the work on which they are engaged for the Organization;

(d) For the purpose of their communications with the Organization, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(e) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions.

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

5. The privileges and immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to the Deputy Secretary-General of the Organization, his/her spouse and minor children.
ANNEX 2

Annex

World Tourism Organization

In their application to the World Tourism Organization (hereinafter referred to as "the Organization"), the standard clauses shall operate subject to the following modifications:

1. Article V and Section 25, paragraphs 1 and 2 (I) of Article VII of the Convention shall extend to the representatives of Associate Members participating in the work of the Organization in accordance with the Statutes of the World Tourism Organization (hereinafter referred to as "the Statutes").

2. Representatives of Affiliate Members, participating in the activities of the Organization in accordance with the Statutes shall be granted:
   (a) All facilities in order to safeguard the independent exercise of their official functions;
   (b) Maximum expeditiousness in the processing of their applications for visas, where required and when accompanied by a certificate that they are traveling on the business of the Organization. In addition, such persons shall be granted facilities for speedy travel;
   (c) In connection with sub-paragraph (b) above, the principle contained in the last sentence of Section 12 of the standard clauses shall apply;

3. Experts, other than officials coming within the scope of Article VI of the Convention, serving on organs and bodies of, or performing missions for, the Organization shall be accorded such privileges and immunities as are necessary for the independent and effective exercise of their functions, including the time spent on journeys in connection with service on organs and bodies or missions. In particular they shall be accorded:
   (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 organs and bodies of, or employed on mission for, the Organization;
   (c) Inviolability for all papers and documents relating to the work on which they are engaged for the Organization;
(d) For the purpose of their communications with the Organization, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(e) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions.

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

5. Notwithstanding paragraph 2 above, paragraphs 3 and 4 above shall apply to representatives of Affiliate members performing missions for the Organization as experts.

6. The privileges and immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to the Deputy Secretary-General of the Organization, his/her spouse and minor children.