

No. 835

**SWITZERLAND
and
INTERNATIONAL CIVIL DEFENCE
ORGANIZATION**

**Agreement concerning the legal status in Switzerland of the
International Civil Defence Organization. Signed at
Berne on 10 March 1976**

Authentic text: French.

Filed and recorded at the request of Switzerland on 13 March 1979.

**SUISSE
et
ORGANISATION INTERNATIONALE DE
PROTECTION CIVILE**

**Accord pour régler le statut juridique en Suisse de l'Orga-
nisation internationale de protection civile. Signé à
Berne le 10 mars 1976**

Texte authentique : français.

Classé et inscrit au répertoire à la demande de la Suisse le 13 mars 1979.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE SWISS FEDERAL COUNCIL AND
THE INTERNATIONAL CIVIL DEFENCE ORGANIZATION
CONCERNING THE LEGAL STATUS OF THAT ORGANIZATION
IN SWITZERLAND

The Swiss Federal Council, of the one part, and

The International Civil Defence Organization, of the other part.

Wishing to conclude an agreement to regulate the legal status in Switzerland of the International Civil Defence Organization (ICDO), have agreed on the following provisions:

1. STATUS, IMMUNITIES AND PRIVILEGES OF THE ORGANIZATION

Article 1. PERSONALITY

The Federal Council recognizes the international personality and the legal capacity in Switzerland of the International Civil Defence Organization (hereinafter called the Organization).

Article 2. FREEDOM OF ACTION

1. The Federal Council guarantees to the Organization the independence and freedom of action belonging to it as an international organization.

2. In particular, it recognizes that the Organization and its members in their relations with the Organization enjoy freedom of meeting, discussion and decision.

Article 3. INVIOIABILITY

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

2. The archives of the Organization and in general all the 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 Organization shall be responsible for the control of its premises and for keeping order therein.

*Article 4. IMMUNITY FROM LEGAL PROCESS AND IMMUNITY
FROM OTHER MEASURES*

1. The Organization shall enjoy immunity from penal, civil and administrative process except in so far as this immunity is formally waived by the

¹ Came into force on 16 March 1976, the date on which its approval by the General Assembly of the Organization had been communicated to the Swiss authorities, in accordance with article 27.

Secretary-General or his duly authorized representative. The insertion in a contract of a clause recognizing the jurisdiction of an ordinary Swiss court shall constitute a formal waiver of the immunity. However, in the absence of a clause expressly to the contrary, such a 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 Organization or used by the Organization for its purposes, whether or not they are owned by it, shall be immune from any search, requisition, seizure or measure of execution.

Article 5. COMMUNICATIONS

1. The Organization shall enjoy for its official communications treatment not less favourable than that accorded to other international organizations in Switzerland, to the extent compatible with the International Telecommunication Convention.

2. The Organization shall have the right to use codes for its official communications. It shall also have the right to dispatch and receive its correspondence by duly identified couriers or bags which shall have the same immunities and privileges as diplomatic couriers and bags.

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

4. The operation of the telecommunications installations must be co-ordinated on the technical level with the PTT Swiss company.

Article 6. PUBLICATIONS

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

Article 7. FISCAL POSITION

1. The Organization, 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 Organization and which is occupied by its services and to income derived therefrom. The Organization may not be exempted from any tax on the rent which it pays for premises rented by it and occupied by its services.

2. The Organization shall be exempt from indirect federal, cantonal and communal taxation. 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 official use of the Organization, provided that the amount invoiced for one and the same purchase exceeds one hundred Swiss francs.

3. The Organization 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 Organization and in accordance with a procedure to be determined by the Organization and the competent Swiss authorities.

Article 8. CUSTOMS POSITION

The customs clearance of articles intended for the Organization shall be governed by the customs regulations of the Federal Council which are applicable to international organizations and which are an integral part of this Agreement.

Article 9. FREE DISPOSAL OF FUNDS

1. The Organization 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 States members of the Organization in their relations with the Organization.

Article 10. PENSION FUNDS AND SPECIAL FUNDS

1. Any pension fund or provident fund conducted under the authority of the Organization shall enjoy legal capacity in Switzerland provided it observes the forms prescribed for this purpose by Swiss law. In so far as it acts on behalf of officials of the Organization, it shall be accorded the same exemptions, immunities and privileges as accorded to the Organization itself.

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

Article 11. SOCIAL INSURANCE

The Organization 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 Organization 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 Organization.

II. IMMUNITIES AND FACILITIES GRANTED TO PERSONS CALLED UPON TO SERVE THE ORGANIZATION IN AN OFFICIAL CAPACITY

Article 12. STATUS OF REPRESENTATIVES OF STATES MEMBERS OF THE ORGANIZATION

1. The representatives of States members of the Organization, called upon to serve the Organization in an official capacity, shall enjoy during the exercise of their functions in Switzerland and during their journeys to and from the place of meeting, the immunities and privileges granted to representatives of States to international organizations. However, the privileges and facilities with regard to customs shall be granted in conformity with customs regulations.

2. Privileges and immunities are accorded to the representatives of States members of the Organization not for their personal benefit but in order to safeguard the independent exercise of their functions in connection with the Organization. Consequently, a State member of the Organization not only has the right but is under a duty to waive the immunity of its representative in any

case where, in the opinion of that member State, 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 13. STATUS OF THE SECRETARY-GENERAL
OF THE ORGANIZATION*

1. The Secretary-General of the Organization and certain high officials 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.

2. Privileges and facilities with regard to customs shall be granted in conformity with customs regulations.

*Article 14. IMMUNITIES AND FACILITIES ACCORDED
TO ALL OFFICIALS*

The officials of the Organization, irrespective of nationality, shall enjoy 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.

*Article 15. IMMUNITIES AND FACILITIES ACCORDED TO OFFICIALS
NOT OF SWISS NATIONALITY*

Officials of the Organization 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 other international organizations;
- (d) Be given, together with the members of their families and their domestic staff, the same repatriation facilities as are accorded to officials of other international organizations;
- (e) Enjoy, with regard to customs, the facilities provided in the customs regulations of the Federal Council, applicable to international organizations;
- (f) Enjoy exemption from all federal, cantonal and communal taxes on salaries, emoluments and indemnities paid to them by the Organization; capital sums due in any circumstances by a pension fund or provident fund within the meaning of article 10 of this Agreement shall also, at the time of their payment, be exempt in Switzerland from all taxes on capital and income; the same principle shall apply to all the indemnities for sickness, accidents, etc., paid to agents, officials or employees of the Organization; on the other hand, income from capital sums paid and benefits and pensions paid to former officials of the Organization shall not be exempt; it shall also be understood that Switzerland reserves the right to take into account salaries, emoluments and other exempt elements of income in order to determine the rate of tax applicable to the other elements, normally taxable, of the income of an official.

Article 16. FREEDOM OF ACCESS, SOJOURN AND DEPARTURE

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 organization, namely:

- (a) Representatives of member States;
- (b) The Secretary-General and the personnel of the Organization together with their spouses and dependent children;
- (c) Any other person, irrespective of nationality, having official business with the Organization.

Article 17. IDENTITY CARDS

1. The Federal Political Department shall furnish each official of the Organization with an identity card bearing the photograph of the holder. This card, authenticated by the Federal Political Department and the Organization, shall serve to identify the official in relation to all federal, cantonal and communal authorities. An identity card shall also be furnished to the dependent members of the families of non-Swiss officials covered by article 15 who form part of their households and do not exercise any lucrative activity.

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

Article 18. OBJECT OF IMMUNITIES

1. The privileges and immunities provided for in this Agreement in respect of officials of the Organization are not designed for the personal benefit of those officials. They are instituted solely to ensure the free functioning of the Organization and the complete independence of its agents in all circumstances.

2. The Secretary-General of the Organization 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 Organization. The Administrative Council shall have the power to waive the immunities of the Secretary-General.

Article 19. PREVENTION OF ABUSES

The Organization and the Swiss authorities shall co-operate 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 20. DISPUTES OF A PRIVATE NATURE

The Organization 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 Organization is a party;

- (b) Disputes involving an official of the Organization who, by reason of his official position, enjoys immunity, if such immunity has not been waived under the provisions of article 18.

III. NON-RESPONSIBILITY AND SECURITY OF SWITZERLAND

Article 21. NON-RESPONSIBILITY OF SWITZERLAND

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

Article 22. SECURITY OF SWITZERLAND

1. Nothing in the present Agreement shall affect the right of the 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 Organization as rapidly as circumstances allow in order to determine, by mutual agreement, the measures necessary to protect the interest of the Organization.
3. The Organization shall collaborate with the Swiss authorities to avoid any prejudice to the security of Switzerland resulting from its activity.

IV. EXECUTION, MODIFICATION, DENUNCIATION AND ENTRY INTO FORCE OF THE AGREEMENT

Article 23. EXECUTION OF THE AGREEMENT BY SWITZERLAND

The Federal Political Department is the Swiss authority which is entrusted with the execution of this Agreement.

Article 24. 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 Organization 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 25. 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.

Article 26. DENUNCIATION OF THE AGREEMENT

This Agreement may be denounced at any time by either party giving one year's notice.

Article 27. ENTRY INTO FORCE

This Agreement shall enter into force on the date on which its approval by the General Assembly of the Organization is communicated to the Swiss authorities.

DONE and signed at Bern, on 10 March 1976, in two copies.

For the Swiss Federal Council:

For the International Civil
Defence Organization:

The Director of the International Organ-
izations Branch of the Federal Politi-
cal Department,

The Secretary-General,

F. DE ZIEGLER

M. BODI