

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

SIGNED AT LAKE SUCCESS ON 26 JUNE 1947

(Item 15 of the Agenda of the Second Regular Session)

Report by the Secretary-General

1. By Resolution No. 99 (I) of 14 December 1946 the General Assembly 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 the permanent headquarters of the United Nations in New York.

The Secretary-General was also instructed to conclude with the same authorities arrangements regarding the privileges and immunities needed by the United Nations at its temporary headquarters.

The resolution of 14 December laid down that the Secretary-General should be guided by the provisions of a draft agreement prepared in June 1946 which represented the outcome of negotiations up to that date (document A/67). These negotiations, it will be remembered, had been conducted jointly by the Secretary-General and a committee consisting of representatives of ten Members designated by the General Assembly.

In pursuance of the resolution of 14 December, the Secretary-General resumed his negotiations with the competent United States authorities and on 26 June 1947 signed, with the Secretary of State of the United States of America, the "agreement between the United Nations and the United States of America regarding the headquarters of the United Nations."

Section 28 of this agreement provides that it "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 accordance with that provision, the agreement (Annex I) was submitted to the Congress of the United States of America which, on 26 July 1947, approved a joint resolution, "S. J. Resolution 144", authorizing the President of the United States to bring into effect the agreement which had been

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concluded and granting him the necessary powers for that purpose. As a result of the President's approval on 4 August this joint resolution became Public Law 357 (Annex II). Both the joint resolution and Public Law 357 refer to the interpretation placed on the agreement by Congress, in particular to the right of the United States to control the entry of aliens into the territory of the United States. In this connection it would appear desirable to draw the General Assembly's attention to Section 6 of Public Law 357.

Furthermore, Public Law 357 provides that the President of the United States may extend to the temporary headquarters of the United Nations any provisions of the agreement which might be deemed appropriate. A special report on arrangements to this effect will be submitted to the General Assembly later.

Throughout its work which resulted in the drafting of the General Convention and of the various draft agreements on the headquarters district, the General Assembly always considered that these two instruments formed an organic whole defining the status of the organization in the country where its headquarters would be located. Moreover, the agreement on the headquarters district expressly refers to the General Convention to which it forms the natural complement. In view of this relation of interdependence the accession of the United States to the General Convention is necessary in order that the agreement on the headquarters district may fully produce all its effects. The Convention on the Privileges and Immunities of the United Nations submitted to Congress and, subject to certain reservations, accepted by the Senate of the United States, could not be approved by the House of Representatives before the close of its Session. It should be remarked that in a letter addressed to the Assistant Secretary-General in charge of Legal Affairs the Legal Adviser to the Department of State has stated that, in view of the advanced stage of the parliamentary work connected with the approval of the General Convention, it was his opinion that a favourable decision by Congress might be expected when it reconvenes in January 1948 (Annex III).

The draft agreement referred to in the resolution of 14 December 1946, and which served as a basis and guide for the negotiations by the Secretary-General, had been drawn up before a final decision on the exact location of the headquarters of the United Nations had been reached. It had been understood that the draft should be regarded "as an unfinished draft with respect to which both parties remained free to request modifications in the light of various factors which might be developed as particular locations came up for specific consideration."

/In actual

In actual fact the draft related to a headquarters site in a comparatively wide area within which the United Nations might acquire further parcels of land for the extension of the headquarters district or for other purposes. Such a description could only reasonably be applied to a site some distance away from any large centre of population.

The General Assembly's decision to establish the permanent headquarters of the United Nations in a small area of the City of New York called for an extensive revision of the provisions of the draft agreement.

In the course of the negotiations, which were conducted in an extremely cordial atmosphere, agreement in principle was quickly reached on the necessary modifications.

Furthermore, the American authorities, showing the fullest co-operation, agreed to extend the privileges and facilities of the United Nations in certain directions, including telecommunications, establishment of a postal service, and transit of persons invited to the administrative district but not covered by the provisions of the original draft.

The conclusion of the agreement was somewhat delayed, however, owing to a difference of opinion as regards the extent of the privilege of residence in the United States of America. After protracted negotiations, during which a number of proposals were considered, a compromise text was finally adopted.

Except for the points mentioned above, the text of the agreement concluded on 26 June 1947 does not appreciably differ from that of the draft on which the Secretary-General's negotiations were based and on which detailed comments were submitted to the General Assembly in document A/67. In these circumstances this report will be restricted to explanations of the changes in the draft.

## 2. Comments on Specific Changes in the Draft Agreement Used as a Basis for Negotiations.

### Article I (Definitions) and Article II (Headquarters District)

Section 1 (a) defines the headquarters district and provides that it may be extended beyond its present limits by supplemental agreements to be concluded with the appropriate American authorities. Public Law 357 provides that, save in the case of the location of the airport, these agreements, and any of the supplemental agreements referred to in the text of 26 June 1947, may be approved by the responsible executive officer of the United States without having to be submitted to Congress.

The draft contained in document A/67 provided that the United States of America would be responsible for acquiring the land for the headquarters district and for conveying it to the United Nations. In fact the land was acquired directly by the United Nations, so Section 3 and 5 of the draft,

/relating

relating to procedure and determination of the purchase price, have been omitted. Section 4, whereby the United States granted the United Nations a vendor's guarantee, had to be amended for the same reason. Section 3, by which it is replaced in the agreement of 26 June, provides that the United States shall take whatever action may be necessary to assure that the United Nations shall not be dispossessed of its property in the headquarters district.

Section 6 of the original draft which referred to the subsoil of the headquarters district no longer applied since the site chosen is in an urban centre served by sewers running through the subsoil of the United Nations property.

In order to reconcile the requirements of the new site with the special character of the district, Section 6 had to be replaced by Annex 2, which states that the Secretary-General agrees to provide passes to duly authorized employees of the City of New York or of the State of New York for the purpose of enabling them to inspect, repair or reconstruct existing mains and sewers. It also states that no underground construction may be undertaken except after consultation with the Secretary-General and under conditions which shall not disturb the carrying out of the functions of the United Nations.

By Section 4 of the agreement the scope of the facilities granted to the United Nations in the field of telecommunications has been expanded. Henceforth, the United Nations may use its radio broadcasting facilities for radiotelegraph, radiotelephone and similar services without being subject to the requirement of exceptional circumstances. It has also been provided that the United Nations may establish a point-to-point circuit between the headquarters district and the Geneva office.

Lastly, it is provided that the facilities referred to in Section 4 may be established outside the present limits of the headquarters district and that in such cases the appropriate American authorities shall make arrangements for the acquisition or use by the United Nations, on such terms and in such manner as may be agreed upon by supplemental agreement, of appropriate premises for such purposes and the inclusion of such premises in the headquarters district.

Section 6 of the agreement provides that the United Nations may organize its own postal service.

#### Article III. Law and Authority in the Headquarters District

The redraft of Article III shows only small changes from the provisions of the draft contained in document A/67. The order of the sections has been varied slightly for reasons of clarity and style.

At the request of the American negotiators, Section 16 of the draft concerning the power of the United Nations to make regulations (Section 8 of /the signed

the signed agreement) has been very slightly modified so that its provisions shall not conflict with reasonable application of the fire regulations established by the American authorities.

#### Article IV. Communications and Transit

It seems desirable to point out first of all that whereas Sections 11 and 18 of the Convention on the Privileges and the Immunities of the United Nations provide for exemption from "immigration restrictions", the agreement on the headquarters district relates only to the right of communication and transit to and from the headquarters district.

Article IV of the agreement, which contains the relevant provisions, departs considerably from the original draft.

Thus the list of persons entitled to privileges of communication and transit was happily supplemented by the inclusion of any persons invited to the headquarters district by the United Nations or by a specialized agency on official business (Section 11).

Section 13 is completely new.

From the very outset of the negotiations undertaken by the Secretary-General in pursuance of the resolution of 14 December 1946, the representatives of the State Department had been at pains to point out that the immunities provided for in Article IV should be accompanied by a reservation covering cases where persons enjoying such immunities engaged, outside their official duties, in acts which would normally come within the scope of the American deportation laws.

The American negotiators observed in this connection that the General Assembly had, in Sections 14, 20 and 23 of the Convention on the Privileges and Immunities of the United Nations, stressed the principle that privileges and immunities are granted to officials solely in the interests of the United Nations and not for their own personal benefit and that, consequently, there was a duty to waive claims to immunity in any case of abuse.

The same difficulty had arisen in drafting the modus vivendi regulating relations between the League of Nations and the Swiss Federal Government on whose territory the League's headquarters was situated. The question was settled definitively, as regards members of the Secretariat, by an exchange of letters.

The quest for a more general solution acceptable both to the United Nations and to the United States of America led to an exhaustive exchange of views. After lengthy negotiations, the Secretary-General felt that, in view of the attitude of the American negotiators, the present wording of Section 13 was an acceptable compromise.

Section 13 (b) of the agreement provides that, in case of abuse of

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privileges, enjoyed by any person under Article IV, in activities in the United States outside his official capacity, such person shall be subject to the application of the laws and regulations of the United States regarding the residence of aliens.

No proceedings may be instituted, however, without the consent of the Secretary of State after consultation with the appropriate Member in the case of a representative of such Member (or a member of his family), or with the Secretary-General or the principal executive officer of the appropriate specialized agency, as the case may be.

This procedure is in line with that followed in diplomatic relations in the case of a serious offence committed by a diplomatic representative in the country to which he is accredited, but can only apply within very narrow limits, since the United States is the host country and not the country to which beneficiaries of Article IV are accredited.

The procedure laid down in Section 13 cannot, for example, be applied in the case of a persona non grata: there must have been some activity outside his official capacity coming within the scope of specific laws or regulations.

If, after consultation as provided in Section 13 (b) (1), the parties cannot agree on an amicable solution, then, and then only, the matter may be referred to the appropriate American authorities; representatives of the Members concerned, or the Secretary-General, will be entitled to appear in any proceedings instituted.

Lastly, persons enjoying diplomatic immunity by virtue of the agreement or of 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 of America.

To turn to another aspect, Section 13 (c) of the agreement provides that grant of the right of transit and free movement may be subject to the production of reasonable evidence that the persons claiming such right come under the accepted description. Similarly, it is laid down that Section 11 shall not exclude non-discriminatory application of quarantine and health regulations.

#### Article V. Resident Representatives to the United Nations

This Article refers to the principal resident representatives accredited to the United Nations and grants them and certain members of their staff the same privileges and immunities as those accorded by the United States to diplomatic envoys accredited to it. At the request of the representatives of the State Department, it was expressly provided in the agreement that the grant of such privileges is made subject to the corresponding conditions and obligations.

/Furthermore,

Furthermore, in deference to a request by certain specialized agencies which propose to establish their headquarters in the United States, the benefit of the provisions of Article V has been extended to certain representatives of Members accredited to specialized agencies and to their assistants.

Article VI. Police Protection of the Headquarters District

Sections 28 and 29 of the draft (document A/67) have been merged into the single Section 16 of the agreement; no other change has been made.

Article VII. Public Services and Protection of the Headquarters District

The first paragraph of Section 31 of the original draft (document A/67), referring to the layout of the zone, was omitted in view of the novel character of the headquarters district.

Article VIII. Matters Relating to the Operation of This Agreement

Sections 38 and 39 of the draft, referring to disputes between the United Nations and the United States and which were included under the Article entitled "Final Provisions", have been grouped in Article VIII, which seems the more logical place for them.

Article IX. Miscellaneous Provisions

The provisions of this article refer to alienation by the United Nations of all or part of the land in its ownership in the headquarters district. Section 22 (b) provides that the State of New York or a sub-division thereof may at its request acquire all or part of the land of the United Nations if the seat of the organization is removed from the headquarters district. In this connection it should be remembered that substantial areas now included in the district were assigned to the United Nations by the City of New York gratis and the contract for the transfer of ownership expressly provides that such areas shall revert to the City of New York in the event of their ceasing to be part of the headquarters district.

At the request of the representatives of the State Department, a special section - Section 24 - was included providing that the agreement shall no longer remain in force should the seat of the United Nations be removed from the territory of the United States of America. The section makes provision, however, for the maintenance of such clauses of the agreement as may be necessary for the orderly termination of the operations of the United Nations at its seat in the United States and for the disposition of its property therein.

Section 26 of the agreement reproduces in toto the provisions of Section 34 of the draft where it appeared under the special heading of "Relations Between this Convention and the General Convention". It lays down that the provisions of this agreement shall be complementary to those of the General Convention.

/In accordance

In accordance with the resolution of the General Assembly dated 14 December last, and with the provisions of Section 28 aforesaid, the agreement regarding the headquarters of the United Nations is submitted for the approval of the General Assembly.



ANNEXES

- I. Text of Agreement
- II. Public Law 357
- III. Letter from Mr. Fahy to Dr. Kerno, dated 4 August 1947
- IV. Reply from Dr. Kerno to Mr. Gross dated 27 August 1947

ANNEX I

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

/acquisition

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

## 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.

ANNEX II

(Public Law 357 - 80th Congress)

(Chapter 482 - 1st Session)

(S. J. Res. 144)

JOINT RESOLUTION

Authorizing the President to bring into effect an agreement between the United States and the United Nations for the purpose of establishing the permanent headquarters of the United Nations in the United States and authorizing the taking of measures necessary to facilitate compliance with the provisions of such agreement, and for other purposes.

WHEREAS the Charter of the United Nations was signed on behalf of the United States on June 26, 1945, and was ratified on August 8, 1945, by the President of the United States, by and with the advice and consent of the Senate, and the instrument of ratification of the said Charter was deposited on August 8, 1945; and

WHEREAS the said Charter of the United Nations came into force with respect to the United States on October 24, 1945; and

WHEREAS Article 104 of the Charter provides that "The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes"; and

WHEREAS Article 105 of the Charter provides that:

"1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

"2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

"3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this article or may propose conventions to the Members of the United Nations for this purpose"; and

WHEREAS Article 28 and other articles of the Charter of the United Nations contemplate the establishment of a seat for the permanent headquarters of the Organization; and

WHEREAS the interim arrangements concluded on June 26, 1945, by the governments represented at the United Nations Conference on International

/Organization

Organization instructed the Preparatory Commission established in pursuance of the arrangements to "make studies and prepare recommendations concerning the location of the permanent headquarters of the Organization", and

WHEREAS during the labours of the said Preparatory Commission, the Congress of the United States in H. Con. Res. 75, passed unanimously by the House of Representatives December 10, 1945, and agreed to unanimously by the Senate December 11, 1945, invited the United Nations "to locate the seat of the United Nations Organization within the United States"; and

WHEREAS the General Assembly on December 14, 1946, resolved "that the permanent headquarters of the United Nations shall be established in New York City in the area bounded by First Avenue, East Forty-eight Street, the East River, and East Forty-second Street"; and

WHEREAS the General Assembly resolved on December 14, 1946, "That the Secretary-General be authorized 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 the permanent headquarters of the United Nations in the city of New York" and to be guided in these negotiations by the provisions of a preliminary draft agreement which had been negotiated by the Secretary-General and the Secretary of State of the United States; and

WHEREAS the General Assembly resolved on December 14, 1946, that pending the coming into force of the agreement referred to above "the Secretary-General be authorized to negotiate and conclude arrangements with the appropriate authorities of the United States of America to determine on a provisional basis the privileges, immunities and facilities needed in connection with the temporary headquarters of the United Nations"; and

WHEREAS the Secretary of State of the United States, after consultation with the appropriate authorities of the State and city of New York, signed at Lake Success, New York, on June 26, 1947, on behalf of the United States an agreement with the United Nations", regarding the headquarters of the United Nations, which agreement is incorporated herein; and

WHEREAS the aforesaid agreement provides that it shall be brought into effect by an exchange of notes between the United States and the Secretary-General of the United Nations:

THEREFORE be it

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That the President is hereby authorized to bring into effect on the part of the United States the agreement between the United States of America and the United Nations regarding the headquarters of the United Nations, signed at Lake Success, New York, on June 26, 1947

/(hereinafter referred

(hereinafter referred to as the "agreement"), with such changes therein not contrary to the general tenor thereof and not imposing any additional obligations on the United States as the President may deem necessary and appropriate, and at his discretion, after consultation with the appropriate State and local authorities, to enter into such supplemental agreements with the United Nations as may be necessary to fulfill the purposes of the said agreement:

PROVIDED, That any supplemental agreement entered into pursuant to Section 5 of the agreement incorporated herein shall be submitted to the Congress for approval. The agreement follows:

(See Annex I for text of the Agreement.)

Section 2. For the purpose of carrying out the obligations of the United States under said agreement and supplemental agreements with respect to United States assurances that the United Nations shall not be dispossessed of its property in the headquarters district, and with respect to the establishment of radio facilities and the possible establishment of an airport:

(a) The President of the United States, or any official or governmental agency authorized by the President, may acquire in the name of the United States any property or interest therein by purchase, donation, or other means of transfer, or may cause proceedings to be instituted for the acquisition of the same by condemnation.

(b) Upon the request of the President, or such officer as the President may designate, the Attorney General of the United States shall cause such condemnation or other proceedings to be instituted in the name of the United States in the district court of the United States for the district in which the property is situated and such court shall have full jurisdiction of such proceedings; and any condemnation proceedings shall be conducted in accordance with the Act of August 1, 1888 (25 Stat. 357), as amended, and the Act of February 26, 1931 (46 Stat. 1421), as amended.

(c) After the institution of any such condemnation proceedings, possession of the property may be taken at any time the President, or such officer as he may designate, determines is necessary, and the court shall enter such orders as may be necessary to effect entry and occupancy of the property.

(d) The President of the United States, or any officer or governmental agency duly authorized by the President, may, in the name of the United States, transfer or convey possession of and title to any interest in any property acquired or held by the United States, pursuant to paragraph (a) above, to the United Nations on the terms

/provided in

provided in the agreement or in any supplemental agreement, and shall execute and deliver such conveyances and other instruments and perform such other acts in connection therewith as may be necessary to carry out the provisions of the agreement.

(e) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be required to enable the United States to carry out the undertakings hereby authorized;

PROVIDED, That any money appropriated under this authorization shall be spent only on a basis of reimbursement by the United Nations in accordance with Section 3 of the agreement, and that the money thus reimbursed shall be deposited and covered into the Treasury of the United States as miscellaneous receipts.

Section 3. The President, or the Secretary of State, under his direction, is authorized to enter into agreements with the State of New York, or any other State of the United States and to the extent not inconsistent with State law, with any one or more of the political sub-divisions thereof in aid of effectuating the provisions of the agreement.

Section 4. Any States, or, to the extent not inconsistent with State law, any political sub-divisions thereof, affected by the establishment of the headquarters of the United Nations in the United States are authorized to enter into agreements with the United Nations or with each other consistent with the agreement and for the purpose of facilitating compliance with the same:

PROVIDED, That, except in cases of emergency and agreements of a routine contractual character, a representative of the United States, to be appointed by the Secretary of State, may, at the discretion of the Secretary of State, participate in the negotiations, and that any such agreement entered into by such State or States or political sub-divisions thereof shall be subject to approval by the Secretary of State.

Section 5. The President is authorized to make effective with respect to the temporary headquarters of the United Nations in the State of New York, on a provisional basis, such of the provisions of the agreement as he may deem appropriate, having due regard for the needs of the United Nations at its temporary headquarters.

Section 6. Nothing in the agreement shall be construed as in any way diminishing, abridging, or weakening the right of the United States to safeguard its own security and completely to control the entrance of aliens into any territory of the United States other than the headquarters district and its immediate vicinity, as to be defined and fixed in a supplementary /agreement between

agreement between the Government of the United States and the United Nations in pursuance of Section 13 (3) (e) of the agreement, and such areas as it is reasonably necessary to traverse in transit between the same and foreign countries. Moreover, nothing in Section 14 of the agreement with respect to facilitating entrance into the United States by persons who wish to visit the headquarters district and do not enjoy the right of entry provided in Section 11 of the agreement shall be construed to amend or suspend in any way the immigration laws of the United States or to commit the United States in any way to effect any amendment or suspension of such laws.

Approved August 4, 1947.



ANNEX III

LETTER FROM MR. CHARLES FAHY, LEGAL ADVISER, DEPARTMENT OF STATE,  
WASHINGTON, TO DR. IVAN KERNO, ASSISTANT SECRETARY-GENERAL FOR  
LEGAL AFFAIRS, DATED 4 AUGUST 1947

As you no doubt have learned the Congress approved during the last hours of its recent session a joint resolution authorizing the President of the United States to bring into effect on the part of the United States the Agreement between the United Nations and the United States concerning the headquarters. I enclose a copy of S. J. Res. 144 in the form in which it was enacted. The resolution has not yet been signed by the President but I anticipate he will sign it within the next few days.

The General Convention on Privileges and Immunities of the United Nations, which we submitted to the Congress with the request that it authorize this Government to accede to the Convention, received favourable consideration in the Senate, but was not acted upon in the House of Representatives. In view of the action of the Senate and of the consideration already given by the Foreign Affairs Committee of the House of Representatives I believe we may expect final favourable consideration when the present Congress reconvenes in January 1948.

I am enclosing a copy of S. J. Res. 136, the legislation which would authorize this Government to accede to the General Convention and a copy of the Senate Committee Report which covers both S. J. Res. 136 and S. J. Res. 144. You will observe that the Senate felt that this Government should reserve its position with respect to those sections of the General Convention concerning the immunity of American nationals from national service and the exemption of American nationals from income taxes.

(Signed) Charles Fahy  
Legal Adviser

ANNEX IV

LETTER FROM DR. KERNO TO MR. GROSS

Lake Success, 27 August 1947

I have the honour to acknowledge the receipt of the letter sent to me by your predecessor, Mr. Charles Fahy, on 4 August 1947, with reference to the action taken by the Congress during its last session with respect to the Agreement between the United Nations and the United States concerning the headquarters of the United Nations, and the General Convention on the privileges and immunities of the United Nations.

I have also received a copy of Public Law 357, authorizing the President of the United States to give effect to the Agreement concerning the headquarters of the United Nations.

The Secretary-General will report to the General Assembly on the action taken by the United States authorities on the headquarters Agreement, and will inform the Assembly that, in view of the action of the Senate and of the consideration already given by the Foreign Affairs Committee of the House of Representatives, it may be expected that final favourable consideration will be given to the General Convention when the present Congress re-convenes in January 1948.

I have noted that in respect of the General Convention, the Senate, after consideration of its text, has directed that the United States reserve its position with respect to Section 18 (b), regarding exemption from taxation on salaries and emoluments paid by the United Nations in so far as that section may applied to United States nationals, and with respect to Section 18 (c), regarding immunity from national service obligations in so far as that section may apply to United States nationals or persons who have declared their intention to become citizens of the United States. These reservations are evidently of considerable importance and, if maintained, would have very serious effects in particular on the status of United Nations officials and on the financial position of the Organization.

My special attention was also drawn to that part of the Senate resolution which deals with Article VII of the Convention on the privileges and immunities of the United Nations with respect to the Laissez-passer. If Article VII of the Convention were to be interpreted in a restrictive manner so as to oblige a United Nations official coming or returning to the United States to be in possession of his national passport, the significance of the Laissez-passer as an international document would naturally be reduced to a simple identification card and not the valid travel document as defined in Section 24 and in the discussions which have taken place on that subject in the General Assembly.

/No reservations

No reservations or restrictive interpretations have been signified to the Secretary-General by any of the Members who up to now have acceded to the Convention and in fact the Laissez-passer has already been utilized by various members of the Secretariat during their travels for the Organization. National visas have been affixed, in several instances, to the Laissez-passer and the document has been accepted and recognized by the authorities of several States.

In view of the fact that the Headquarters of the United Nations is established in the United States and that practically all of the United Nations officials return to the United States after their trips, an interpretation by the United States of Article VII of the Convention different from that given to it by the States who have acceded so far to the Convention would affect to the greatest extent the significance and the usefulness of the Laissez-passer.

You will undoubtedly recognize the importance of this problem. Would, therefore, the United States consider it desirable to have conversations on this or on the other subjects relating to the General Convention with the Secretariat before the next session of the General Assembly? I would be very glad to appoint representatives for this purpose.

(Signed) Dr. Ivan Kerno  
Assistant Secretary-General  
in charge of Legal Affairs

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