

No. 8679

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**UNITED NATIONS  
and  
AUSTRIA**

**Agreement regarding the Headquarters of the United Nations  
Industrial Development Organization (with exchange of  
notes and aide-mémoire). Signed at New York, on  
13 April 1967**

*Official texts of the Agreement and the notes : English and German.*

*Official text of the aide-mémoire : English.*

*Registered ex officio on 7 July 1967.*

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**ORGANISATION DES NATIONS UNIES  
et  
AUTRICHE**

**Accord relatif au Siège de l'Organisation des Nations Unies  
pour le développement industriel (avec échange de notes  
et aide-mémoire). Signé à New York, le 13 avril 1967**

*Textes officiels de l'Accord et des notes : anglais et allemand.*

*Texte officiel de l'aide-mémoire : anglais.*

*Enregistré d'office le 7 juillet 1967.*

No. 8679. AGREEMENT<sup>1</sup> BETWEEN THE UNITED NATIONS AND THE REPUBLIC OF AUSTRIA REGARDING THE HEADQUARTERS OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION. SIGNED AT NEW YORK, ON 13 APRIL 1967

The United Nations and the Republic of Austria,

Considering that the United Nations General Assembly, by resolutions 2089 (XX) and 2152 (XXI) of 20 December 1965<sup>2</sup> and 17 November 1966,<sup>3</sup> has established the United Nations Industrial Development Organization as a subsidiary organ of the General Assembly of the United Nations and, in response to an offer by the Republic of Austria, has, by resolution 2212 (XXI) of 17 December 1966,<sup>4</sup> decided to establish the headquarters of that organization at Vienna;

Considering that the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946,<sup>5</sup> to which the Republic of Austria is a party, is *ipso facto* applicable to the United Nations Industrial Development Organization;

Considering that it is desirable to conclude an agreement, complementary to the Convention on the Privileges and Immunities of the United Nations, to regulate questions not envisaged in that Convention arising as a result of the establishment of the headquarters of the United Nations Industrial Development Organization at Vienna;

Have agreed as follows :

*Article I*

DEFINITIONS

SECTION 1

In this Agreement,

(a) The expression "the UNIDO" means the United Nations Industrial Development Organization;

<sup>1</sup> Came into force on 7 July 1967 by an exchange of notes between the Contracting Parties, in accordance with article XV, Section 47.

<sup>2</sup> United Nations, *Official Records of the General Assembly, Twentieth Session, Supplement No. 14 (A/6014)*, p. 28.

<sup>3</sup> United Nations, *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16 (A/6316)*, p. 24.

<sup>4</sup> United Nations, *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16 (A/6316)*, p. 42.

<sup>5</sup> United Nations, *Treaty Series*, Vol. 1, p. 15 and Vol. 90, p. 327 (corrigendum to Vol. 1, p. 18).

(b) The expression “ the Government ” means the Federal Government of the Republic of Austria;

(c) The expression “ Executive Director ” means the Executive Director of the UNIDO or any officer designated to act on his behalf;

(d) The expression “ appropriate Austrian authorities ” means such federal, state, municipal or other authorities in the Republic of Austria as may be appropriate in the context and in accordance with the laws and customs applicable in the Republic of Austria;

(e) The expression “ laws of the Republic of Austria ” includes :

- (i) the federal constitution and state constitutions; and
- (ii) legislative acts, regulations and orders issued by or under authority of the Government or appropriate Austrian authorities;

(f) The expression “ headquarters seat ” means :

- (i) the headquarters area with the building or buildings upon it, as may from time to time be defined in the supplemental agreements referred to in section 3; and
- (ii) any other land or building which may from time to time be included, temporarily or permanently, therein in accordance with this Agreement or by supplemental agreement with the Government;

(g) The expression “ Member State ” means a State which is a Member of the United Nations, or a member of one of the specialized agencies, or a member of the International Atomic Energy Agency;

(h) The expression “ officials of the UNIDO ” means the Executive Director and all members of the staff of the UNIDO except those who are locally recruited and assigned to hourly rates;

(i) 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.

## *Article II*

### THE HEADQUARTERS SEAT

#### SECTION 2

(a) The permanent headquarters of the UNIDO shall be in the headquarters seat, and shall not be removed therefrom unless the United Nations should so decide. Any transfer of the headquarters temporarily to another place shall not constitute a removal of the permanent headquarters unless there is an express decision by the United Nations to that effect.

(b) Any building in or outside of Vienna which may be used with the concurrence of the Government for meetings convened by the UNIDO shall be temporarily included in the headquarters seat.

(c) The appropriate Austrian authorities shall take whatever action may be necessary to ensure that the UNIDO shall not be dispossessed of all or any part of the headquarters seat without the express consent of the United Nations.

### SECTION 3

The Government grants to the UNIDO, and the UNIDO accepts from the Government, the permanent use and occupation of a headquarters seat as may from time to time be defined in supplemental agreements to be concluded between the UNIDO and the Government.

### SECTION 4

(a) The United Nations shall for official purposes have the authority to install and operate a radio sending and receiving station or stations to connect at appropriate points and exchange traffic with the United Nations radio network. The United Nations as a telecommunications administration will operate its telecommunications services in accordance with the International Telecommunication Convention and the Regulations annexed thereto. The frequencies used by these stations will be communicated by the United Nations to the Government and to the International Frequency Registration Board.

(b) The Government shall, upon request, grant to the UNIDO for official purposes appropriate radio and other telecommunications facilities in conformity with technical arrangements to be made with the International Telecommunication Union.

### SECTION 5

The UNIDO may establish and operate research, documentation and other technical facilities of any type. These facilities shall be subject to appropriate safeguards which, in the case of facilities which might create hazards to health or safety or interfere with property, shall be agreed with the appropriate Austrian authorities.

### SECTION 6

The facilities provided for in sections 4 and 5 may, to the extent necessary for efficient operation, be established and operated outside the headquarters area. The appropriate Austrian authorities shall, at the request of the UNIDO, make

arrangements, on such terms and in such manner as may be agreed upon by supplemental agreement, for the acquisition or use by the UNIDO of appropriate premises for such purposes, and for the inclusion of such premises in the headquarters seat.

### *Article III*

#### EXTRATERRITORIALITY OF THE HEADQUARTERS SEAT

##### SECTION 7

(a) The Government recognizes the extraterritoriality of the headquarters seat, which shall be under the control and authority of the UNIDO as provided in this Agreement.

(b) Except as otherwise provided in this Agreement or in the General Convention, and subject to any regulation enacted under section 8, the laws of the Republic of Austria shall apply within the headquarters seat.

(c) Except as otherwise provided in this Agreement or in the General Convention, the courts or other appropriate organs of the Republic of Austria shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the headquarters seat.

##### SECTION 8

(a) The UNIDO shall have the power to make regulations, operative within the headquarters seat, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No law of the Republic of Austria which is inconsistent with a regulation of the UNIDO authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters seat. Any dispute between the UNIDO and the Republic of Austria as to whether a regulation of the UNIDO is authorized by this section or as to whether a law of the Republic of Austria is inconsistent with any regulation of the UNIDO authorized by this section, shall be promptly settled by the procedure set out in section 35. Pending such settlement, the regulation of the UNIDO shall apply and the law of the Republic of Austria shall be inapplicable in the headquarters seat to the extent that the UNIDO claims it to be inconsistent with the regulation of the UNIDO.

(b) The UNIDO shall from time to time inform the Government, as may be appropriate, of regulations made by it in accordance with sub-section (a).