

No. 663

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**INTERNATIONAL TELECOMMUNICATION  
UNION  
and  
SWITZERLAND**

**Agreement between the Swiss Federal Council and the International Telecommunication Union concerning the legal status of that organization in Switzerland. Signed at Geneva on 22 July 1971**

**Arrangement for the execution of the above-mentioned Agreement. Signed at Geneva on 22 July 1971**

*Authentic texts: French.*

*Filed and recorded at the request of the International Telecommunication Union on 11 August 1971.*

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**UNION INTERNATIONALE  
DES TÉLÉCOMMUNICATIONS  
et  
SUISSE**

**Accord entre le Conseil fédéral suisse et l'Union internationale des télécommunications pour régler le statut juridique de cette organisation en Suisse. Signé à Genève le 22 juillet 1971**

**Arrangement d'exécution de l'Accord susmentionné. Signé à Genève le 22 juillet 1971**

*Textes authentiques: français.*

*Classés et inscrits au répertoire à la demande de l'Union internationale des télécommunications le 11 août 1971.*

[TRANSLATION<sup>1</sup>— TRADUCTION<sup>2</sup>]

AGREEMENT<sup>3</sup> BETWEEN THE SWISS FEDERAL COUNCIL  
AND THE INTERNATIONAL TELECOMMUNICATION  
UNION CONCERNING THE LEGAL STATUS OF THAT  
ORGANIZATION IN SWITZERLAND

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The Swiss Federal Council, of the one part, and  
The International Telecommunication Union, of the other,  
Wishing to conclude an agreement to regulate the legal status of  
the International Telecommunication Union in Switzerland, have agreed  
on the following provisions:

*Article 1*

FREEDOM OF ACTION OF THE I.T.U.

1. The Federal Council guarantees to the International Telecommuni-  
cation Union (hereinafter called the Union) the independence and freedom  
of action belonging to it as an international institution.

2. In particular, it recognizes that the Union and its Members in  
their relations with the Union enjoy absolute freedom of meeting,  
including freedom of discussion and decision.

*Article 2*

PERSONALITY

The Federal Council recognizes the international personality and legal  
capacity of the Union.

*Article 3*

IMMUNITIES AND PRIVILEGES

The Union shall enjoy the immunities and privileges granted in

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<sup>1</sup> Translation supplied by the International Telecommunication Union.

<sup>2</sup> Traduction fournie par l'Union internationale des télécommunications.

<sup>3</sup> Came into force on 22 July 1971 by signature, in accordance with article 29.

Switzerland, now or in the future, to the United Nations<sup>1</sup> and its specialized agencies.<sup>2</sup>

#### Article 4

##### INVIOABILITY

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

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

#### Article 5

##### IMMUNITY FROM LEGAL PROCESS AND IMMUNITY FROM OTHER MEASURES

1. The Union shall enjoy immunity from penal, civil and administrative process except in so far as this immunity is formally waived by the Secretary-General or his duly authorized representative. The insertion in a contract of a clause recognizing the jurisdiction of an ordinary court shall constitute formal waiver of the immunity. However, in the absence of a clause expressly to the contrary, such 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 Union or used by it for its purposes, wherever they may be and by whomsoever they may be held, shall be immune from any search, requisition, seizure or measure of execution.

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

<sup>2</sup> *Ibid.*, vol. 33, p. 261. For the final and revised texts of annexes published subsequently, see vol. 71, p. 318; vol. 79, p. 326; vol. 117, p. 386; vol. 275, p. 298; vol. 314, p. 308; vol. 323, p. 364; vol. 327, p. 326; vol. 371, p. 266; vol. 423, p. 284; vol. 559, p. 348, and vol. 645, p. 340.

*Article 6*

## COMMUNICATIONS

1. The Union shall enjoy for its official communications treatment not less favourable than that accorded to the United Nations in Switzerland, to the extent compatible with the International Telecommunication Convention.

2. The provisions of the present article shall in no way affect the obligations accepted by Switzerland as a Member of the Union with regard to service telecommunications exchanged between the Union and its Members.

3. The Union shall have the right to use codes for its official communications and to despatch and receive its correspondence by duly identified courier or bags which shall have the same immunities and privileges as diplomatic couriers and bags.

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

*Article 7*

## PUBLICATIONS

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

*Article 8*

## FISCAL POSITION

1. The Union, 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 Union and which is occupied by its services and to income derived therefrom.

2. The Union shall be exempt from indirect federal, cantonal and communal taxation.

3. The Union 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 Union and in accordance with

a procedure to be determined by the Union and the competent Swiss authorities.

### *Article 9*

#### CUSTOMS POSITION

The customs clearance of articles intended for the Union shall be governed by the customs regulations of the Federal Council which are applicable to international organizations (Customs Regulations) and which are an integral part of the present agreement.

### *Article 10*

#### FREE DISPOSAL OF FUNDS

1. The Union 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 Members of the Union in their relations with the Union.

### *Article 11*

#### STATUS OF PERMANENT REPRESENTATIVES OF MEMBERS OF THE UNION

The permanent representatives of Members of the Union shall enjoy the immunities and privileges granted to the members of equivalent rank of diplomatic missions accredited to the Federal Council.

### *Article 12*

#### STATUS OF REPRESENTATIVES OTHER THAN PERMANENT REPRESENTATIVES

1. The representatives of the Members of the Union, their deputies, technical experts, advisers and secretaries of delegations sent to Switzerland on official business with the principal and subsidiary organs of the Union or to conferences convened by it shall enjoy the following privileges and immunities in the discharge of their duties in Switzerland and during their journeys in Switzerland to or from the place of meeting: