

**DOCUMENTS RECEIVED FROM
INTERNATIONAL ORGANIZATIONS**

**DOCUMENTS REÇUS
D'ORGANISATIONS INTERNATIONALES**

DOCUMENTS RECEIVED FROM THE INTERNATIONAL LABOUR ORGANISATION

LETTER FROM THE LEGAL ADVISER AND ASSISTANT DIRECTOR-GENERAL OF THE
INTERNATIONAL LABOUR ORGANISATION TO THE REGISTRAR,
8 SEPTEMBER 1980

In reply to your written request of 2 September 1980¹, I have the honour to provide the following elements :

Agreement with Switzerland

1. The original text of the Constitution of the International Labour Organisation, at Article 392 of Part XIII of the Treaty of Versailles, provided that the International Labour Office should be established at the seat of the League of Nations (i.e., Geneva) as part of the organization of the League.

2. The 1946 Instrument for the Amendment of the Constitution of the ILO adopted on 9 October 1946, following the dissolution of the League, and which entered into force on 28 April 1948, replaced the above-mentioned provision by the following :

"Article 6

Any change in the seat of the International Labour Office shall be decided by the Conference by a two-thirds majority of the votes cast by the delegates present."

The Report of the Conference Delegation on Constitutional Questions on the Work of its First Session (London, 21 January-15 February 1946), which undertook the preparatory work for the instrument of amendment, records certain considerations, the text of which is appended (paras. 25, 31 and 32 of the said Report).

* * *

3. An agreement² between the Swiss Federal Council and the International Labour Organisation concerning the legal status of the International Labour Organisation in Switzerland was adopted and signed on 11 March 1946 and entered into force on 27 May 1946.

4. Article 30 of that Agreement reads as follows :

"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.

3. If the negotiations do not result in an understanding within one year the Agreement may be denounced by either party giving two years' notice."

¹ See pp. 322, 325-326 and 333-337, *infra*. [Note by the Registry.]

² See United Nations, *Treaty Series*, II, No. 103, Vol. 15. [Note by the Registry.]

5. The only published Procès-Verbal of the adoption of the Agreement, a photocopy of which is attached in English and in French, indicates that negotiations took place on 1, 2, 3 and 11 March 1946, but gives no detail of the discussions.

6. In the internal files of the International Labour Office, there is an informal "Procès-verbal des négociations". This text is based on notes taken by ILO officials during the negotiations and has never been seen or approved by the other party.

7. This informal record shows that, at the start of the negotiations of March 1946, both the Swiss and the ILO negotiators submitted a draft of a possible agreement. The Swiss draft contained an article on "Durée de l'accord", in the following terms :

"Le présent arrangement restera en vigueur aussi longtemps que le siège de l'Organisation internationale du Travail sera maintenu sur territoire suisse.

Il pourra être dénoncé de part et d'autre pour la fin d'une année, sur préavis donné six mois à l'avance."

The ILO draft contained the following provision :

"La présente convention restera en vigueur, dans les termes qui précèdent, aussi longtemps qu'elle n'aura pas été modifiée d'un commun accord entre les parties."

At the first meeting of the negotiators (1 March 1946, morning), it was agreed to take the ILO draft as a basis for the discussions.

8. As regards the subject of what is now Article 30, the informal record contains the following (Fourth sitting, 2 March 1946, afternoon) :

"M. Guggenheim souligne qu'il serait désireux de voir figurer dans l'accord une clause de dénonciation.

M. Jenks propose que l'on recherche une formule permettant de procéder à une révision par l'accord des deux parties. Si l'on ne parvient pas à trouver une telle formule, l'on devrait aboutir à une disposition donnant à chaque partie un droit de dénonciation avec un préavis d'une durée suffisante.

Cette proposition est acceptée."

No further discussion of the issue is recorded.

9. The Acting Director of the International Labour Office submitted the draft agreement to the Governing Body of the International Labour Office at its 98th Session (May 1946), in document GB.98/16/19. The covering note contains the following passage :

"It was clearly understood, during both the conversations held in London and those held in Geneva, that the provisions of the Agreement and Arrangement defining the legal status of the ILO in Switzerland after the dissolution of the League of Nations do not prejudice in any way the question of the seat of the Organisation."

10. It may perhaps be of interest in the context of the present request to supplement the preceding information by some brief reference to agreements, subsequent to the ILO-Swiss Headquarters Agreement, which cover the establishment of other ILO Offices.

Agreement with Peru

11. An agreement between the Government of Peru and the International Labour Organisation concluded on 22 June 1960 contains, in Section 30, a text corresponding to that of Article 30 of the Agreement between the Swiss Federal Council and the International Labour Organisation. Internal notes show that the agreement as a whole, including the provision in question, was based on an earlier agreement between the Pan American Sanitary Organisation and Peru, of March 1958. There is no record of any discussion of the question.

Other Agreements for the Establishment of ILO Offices

12. Most of the other agreements for the establishment of ILO Offices¹ provide that "the agreement will remain in force as long as the International Labour Organisation has an office in . . .". They do not contain a denunciation clause, but provide that the agreement may be modified by mutual consent.

13. Five agreements, in addition to those with Switzerland and with Peru, contain denunciation clauses. Two of these make no express reference to the question of transfer or closure of the ILO Office. The Agreement between the Government of the United States of Mexico and the International Labour Office of 5 January 1955 provides in Article VI, that "el presente Acuerdo podrá ser revisado por mutuo consentimiento del Gobierno y de la Oficina, y cualquiera de las partes podrá darlo por terminado, notificándole por escrito, a la otra parte, con noventa días de anticipación". That text was included in a draft prepared by the Mexican Government and there is no record of it having given rise to discussion. The Agreement between the Government of the Ivory Coast and the International Labour Organisation of 3 October 1977 provides that "le présent accord pourra être dénoncé par l'une ou l'autre partie par notification écrite adressée à l'autre partie et il cessera de produire ses effets un an après la réception de la notification". Again, the text was included in a draft prepared by the Government. Here, internal minutes show that the departure from the standard pattern described in paragraph 12 above was considered not to present a major problem, and hence was not raised for discussion.

14. Two other agreements make express reference to the question of transfer or closure of the office :

(a) The Agreement between the International Labour Office and the Government of the Republic of Turkey, of 21 March 1952, provided as follows in Article 4 :

"The office shall be free, at its discretion to transfer the Manpower Field Office from Turkey to any other country or altogether to wind up the Field Office. In case of such transfer or winding up, however, the Office shall give the Government three months' notice thereof and shall return to the Government, as they stand, the building and the furniture placed at its disposal in accordance with Article 3 above."

There appear to be no surviving internal records showing the origin of that provision. The Agreement is no longer in force, the office in Istanbul having

¹ Agreements with Algeria, Bangladesh, Cameroon, Chile, Costa Rica, Ethiopia, Fiji, Indonesia, Lebanon, Madagascar, Nigeria, Pakistan, Philippines, Senegal, Tanzania, Trinidad and Tobago.

been closed and replaced by a country representative in Ankara by mutual agreement of the parties.

(b) The Agreement between the Government of Thailand and the International Labour Organisation of 1 November 1961 provides as follows in Article 3, paragraph 2 :

"This Agreement and any supplementary agreement entered into pursuant thereto shall cease to be in force six months after either of the contracting parties shall have given notice in writing to the other of its decision to terminate the Agreement, except for such provisions as may apply to the orderly termination of the activities of the Organisation in Thailand and the disposal of its property there."

That provision was based on agreements concluded earlier with Thailand by FAO and UN (ECAFE) respectively. Internal records show that, in including it in drafts prepared by the Office, it was intended to indicate clearly the power of the Organisation to decide on the transfer of its office. Counterdrafts prepared by the Thai Government did not propose any changes in the relevant provision.

15. Finally, the Agreement between the Government of the Argentine Republic and the International Labour Organisation of 6 April 1970 combines the standard provision described in paragraph 12 above, namely that "the Agreement will remain in force as long as the International Labour Organisation has an office in Buenos Aires" with the following Article 5 :

"Cualquiera de las Partes podrá denunciar el presente Acuerdo mediante comunicación expresa dirigida a la otra. La denuncia producirá efecto luego de transcurrido un plazo que no será menor de un año formulada con una anticipación de 12 meses a la fecha en que tendrá efecto."

This appears to be due to the fact that an ILO draft contained the standard provision and that the denunciation clause was added by the Government without modifying the clause cited but with the deletion of the provision that the Agreement might be modified by mutual consent.

* * *

I have duly noted that the present request is altogether without prejudice to the question of its relevance in the case before the Court.

It goes without saying that I remain at the Court's entire disposal for the provision of such further assistance as it might wish.

(Signed) Francis WOLF.

INTERNATIONAL LABOUR CONFERENCE, TWENTY-NINTH SESSION,
MONTREAL, 1946

REPORT II (1) CONSTITUTIONAL QUESTIONS, PART I : REPORTS OF THE CONFERENCE DELEGATION ON CONSTITUTIONAL QUESTIONS, CHAPTER III

Amendments to the Constitution of the I.L.O. Consequential upon the Dissolution of the League of Nations

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25. Certain of these references are of a general character, and the most convenient course would appear to be to omit them. The Delegation accordingly recommends that the reference to the League of Nations contained in the opening paragraph of the Preamble of the Constitution should be omitted, that the provision contained in Article 6 that the International Labour Office shall be established at the seat of the League of Nations "as part of the organisation of the League" should be abrogated, and that the present Article 12, which provides that "the International Labour Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given", should be deleted.

.....

31. The Constitution of the Organisation also contains provisions concerning the seat of the Office and the place of meeting of the Conference, which will require modification in view of the dissolution of the League.

32. The Delegation did not consider it within its competence to make any recommendation in regard to the future seat of the International Labour Office, but it took note with the greatest satisfaction of a statement made by the representatives of the Swiss Government that the International Labour Office would be most welcome in Geneva at any time and that the Swiss Government would be glad to enter into an agreement with the Organisation ensuring that it will continue to enjoy, after the dissolution of the League of Nations, the full independence necessary for the effective discharge of its international responsibilities. It is unnecessary that the Constitution of the Organisation should define the seat of the Office, and the Delegation accordingly recommends that there should be substituted for the present Article 6, which provides that the Office shall be established at the seat of the League, a provision indicating the procedure to be followed in the event of any change of seat being thought desirable. The Office was established at Geneva in 1920 and, in consequence, has its seat there until that seat is changed by a competent decision. For a formal transfer of the seat of the Office, as distinguished from the establishment of a working centre such as that set up in Montreal in 1940, a decision by the Conference would appear to be desirable, and in view of the importance of the matter it would seem appropriate that a two-thirds majority should be required for such a decision. The Delegation accordingly recommends that the Constitution be amended to provide that any change in the seat of the International Labour Office shall be approved by the Conference by a two-thirds majority. The Delegation considers that wherever the seat of the Office may be located there

should be an arrangement between the International Labour Organisation and the Government or international authority having jurisdiction over the seat which ensures that the Organisation will enjoy there the full independence necessary for the effective discharge of its international responsibilities until such time as the arrangement is terminated by mutual agreement.

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AGREEMENT CONCERNING THE LEGAL STATUS OF THE INTERNATIONAL LABOUR ORGANISATION IN SWITZERLAND AFTER THE DISSOLUTION OF THE LEAGUE OF NATIONS

I. Procès-Verbal

I. Mr. Paul Guggenheim, Professor at the University Institute of Higher International Studies, Geneva,

Mr. Daniel Secretan, Counsellor of Legation, Chief of the International Unions Section in the Swiss Federal Political Department,

Mr. Max Kaufmann, Deputy-Director of the Federal Office of Industry, Arts and Crafts and Labour, Swiss Federal Department of Public Economy, representing the Swiss Federal Political Department and the Swiss Federal Department of Public Economy,

Mr. C. Wilfred Jenks, Legal Adviser of the International Labour Office,

Mr. Jacques Secretan, Consulting Attorney of the International Labour Office in Switzerland, representing the International Labour Organisation ;

met in the Alabama Room in the Government Building of the Republic and Canton of Geneva on 1, 2, 3 and 11 March 1946 to negotiate an agreement concerning the legal status of the International Labour Organisation in Switzerland after the dissolution of the League of Nations.

There were also present at the meetings :

Mr. Paul Huber, Secretary-General of the Department of Finance and Taxes of the Republic and Canton of Geneva,

Mr. Henri Thevenaz, Legation Attaché, Federal Political Department,

Mr. Francis Wolf, Member of the Legal Section of the International Labour Office.

II. In the course of these meetings the following texts, which will be annexes to this procès-verbal, have been drawn up to be submitted for approval to the Swiss Federal Council and the Governing Body of the International Labour Office :

1. Agreement between the Swiss Federal Council and the International Labour Organisation concerning the legal status of the International Labour Organisation in Switzerland.
2. Arrangement for the execution of the Agreement made between the Swiss Federal Council and the International Labour Organisation concerning the legal status of the International Labour Organisation in Switzerland.

III. Further, the representatives of the International Labour Organisation have taken note of a statement by the representatives of the Swiss Federal Political Department of the Swiss Federal Department of Public Economy which will also be annexed to this procès-verbal.

In witness whereof this procès-verbal has been adopted and signed on 11 March 1946 under the Chairmanship of Mr. Albert Picot, State Counsellor of Geneva, in the Alabama Room, in duplicate, one copy of which has been placed in the custody of the representatives of the Swiss Federal Political Department

and of the Swiss Federal Department of Public Economy and one copy in the custody of the representatives of the International Labour Organisation.

(Signed) Paul GUGGENHEIM
D. SECRETAN
M. KAUFMANN
C. WILFRED JENKS
Jacques SECRETAN.

II. Agreement between the Swiss Federal Council and the International Labour Organisation concerning the Legal Status of the International Labour Organisation in Switzerland

The Swiss Federal Council, of the one part, and the International Labour Organisation, of the other part, wishing to conclude an agreement to regulate the legal status of the International Labour Organisation in Switzerland after the dissolution of the League of Nations have agreed on the following provisions :

Article 1

Freedom of action of the I.L.O. The Swiss Federal Council guarantees to the International Labour Organisation the independence and freedom of action belonging to it as an international institution.

Article 2

Personality of the I.L.O. The Swiss Federal Council recognises the international personality and legal capacity in Switzerland of the International Labour Organisation.

Article 3

Immunities of the I.L.O. The International Labour Organisation enjoys the immunities known in international law as diplomatic immunities.

Article 4

Exterritoriality of the grounds and buildings. The Swiss Federal Council recognises the extrterritoriality of the grounds and buildings of the International Labour Organisation and of all buildings occupied by it in connection with meetings of the International Labour Conference or any other meeting convened in Switzerland by the International Labour Organisation.

Article 5

Freedom of meeting. The Swiss Federal Council recognises that the International Labour Organisation and its Members in their relations with the Organisation enjoy absolute freedom of meeting including freedom of discussion and decision.

Article 6

Immunity from legal process and immunity from other measures. 1. The International Labour Organisation, its properties and assets wherever they may be or

by whomsoever they may be held shall enjoy immunity from every form of legal process except in so far as this immunity is formally waived by the Director of the International Labour Office or his duly authorised representatives.

2. The property and assets of the International Labour Organisation wherever they may be and by whomsoever they may be held shall enjoy immunity from any measure of requisition, requisition, confiscation, expropriation or any other form of seizure or interference by any public authority whatsoever its nature.

Article 7

Inviolability of grounds and buildings. The grounds and buildings of the International Labour Organisation are inviolable. No agent of the Swiss public authority may enter them without the express consent of the International Labour Organisation.

Article 8

Inviolability of the archives. The archives of the International Labour Organisation and all documents belonging to it or in its possession are inviolable.

Article 9

Publications. The export and import of the publications of the International Labour Organisation shall not be subject to any restrictive measures.

Article 10

Fiscal position of the I.L.O. The International Labour Organisation is exonerated from direct and indirect taxes, federal, cantonal and communal on buildings of which it is the owner and which are occupied by its services as well as on its movable property, it being understood that the International Labour Organisation does not claim exemption from charges corresponding to a service rendered by a public authority.

Article 11

Free disposal of funds. 1. The International Labour Organisation may receive and hold funds, notes, coins 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 International Labour Organisation in their relations with the Organisation.

Article 12

Official communications. The International Labour Organisation shall enjoy for its official communications treatment not less favourable than that accorded to diplomatic missions in Switzerland in respect of :

- (a) all priorities for communications and transport ;
- (b) postal, telegraphic, radio-telegraphic, telephonic, radio-telephonic and tele-photographic tariffs, etc.

Article 13

Exemption from censorship. No censorship shall be applied to the duly authenticated official communications of the International Labour Organisation whatever the means of communication employed.

Article 14

Freedom of access and sojourn. 1. The Swiss authorities shall take the necessary measures to facilitate the entry into, sojourn in, and departure from Swiss territory of all persons having official business with the International Labour Organisation, that is to say :

- (a) representatives of Member States whatever may be the relations between Switzerland and the said States ;
- (b) members of the Governing Body of the International Labour Office, irrespective of nationality ;
- (c) agents and officials of the International Labour Organisation ;
- (d) other persons irrespective of nationality summoned by the International Labour Organisation.

2. Any police regulations tending to restrict the entry of foreigners into Switzerland or to regulate the conditions of their sojourn shall not apply to the persons covered by the present Article.

Article 15

Immunities of the representatives of Members and of the Governing Body. The representatives of the Members of the International Labour Organisation and members of the Governing Body who are in Switzerland on official business shall enjoy the following privileges and immunities :

- (a) inviolability of the person, place of residence and all objects belonging to the person concerned ;
- (b) immunity from jurisdiction ;
- (c) fiscal immunity corresponding to that accorded to diplomatic agents in accordance with international usage as accepted in Switzerland ;
- (d) customs facilities corresponding to those accorded to diplomatic agents in accordance with international usage as accepted in Switzerland ;
- (e) the right to use cyphers in their official communications and to reserve and send documents and correspondence by courier or duly sealed diplomatic bags ;
- (f) exemption from exchange restrictions under conditions identical to those accorded to diplomatic agents of foreign Governments on temporary mission.

Article 16

Diplomatic immunities of the Director and certain officials. The Director of the International Labour Office and officials of the categories designated by him and agreed to by the Swiss Federal Council shall enjoy the privileges, immunities, exemptions and facilities granted to diplomatic agents in accordance with international law and custom.

Article 17

Immunities and facilities accorded to all officials. All officials of the International Labour Office, irrespective of nationality, shall enjoy the following immunities and facilities :

- (a) exemption from jurisdiction for all acts performed in the discharge of their duties ;

- (b) exoneration from all federal, cantonal and communal taxes on salaries, emoluments and indemnities paid to them by the International Labour Organisation.

Article 18

Exemptions and facilities accorded to officials not of Swiss nationality. Officials of the International Labour Office who are not of Swiss nationality shall enjoy the immunities, exemptions and facilities enumerated in the Arrangement for the execution of the present Agreement.

Article 19

Pensions Fund, etc. Any pensions fund or provident fund conducted under the authority of the International Labour Organisation shall enjoy legal capacity in Switzerland, if it so requests, and shall enjoy the same exemptions, immunities and privileges as the Organisation itself.

Article 20

Former arrangements. In so far as they are not modified by the present Agreement the Modus Vivendi of 1921 and 1926 and the supplementary arrangements concluded between the Federal Political Department, the League of Nations and the International Labour Office shall continue to apply to the International Labour Organisation.

Article 21

Object of the immunities. 1. The immunities provided for in the present Agreement in respect of officials of the International Labour Organisation are not designed for the personal benefit of those officials but are designed solely to ensure the free functioning of the International Labour Organisation and the complete independence of its agents in all circumstances.

Waiver of immunity. 2. The Director of the International Labour Office has the right and duty to waive the immunity of any official in any case in which he considers that immunity would impede the course of justice and can be waived without prejudice to the interests of the International Labour Organisation.

Article 22

Prevention of abuses. The International Labour Organisation shall co-operate at all times with the Swiss authorities 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 23

Disputes of a private nature. The International Labour Organisation shall make provision for appropriate methods of settlement of :

- (a) disputes arising out of contracts and other disputes of a private law character to which the International Labour Organisation is a party ;
- (b) disputes involving an official of the International Labour Office who by reason of his official position enjoys immunity, if such immunity has not been waived by the Director.

Article 24

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

Article 25

Security of Switzerland. 1. Nothing in the present Agreement shall affect the right of the Swiss Federal Council to take the precautions necessary for the security of Switzerland.

2. If it considers it necessary to apply the first paragraph of this Article the Swiss Federal Council shall approach the International Labour Organisation as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary to protect the interests of the International Labour Organisation.

3. The International Labour Organisation shall collaborate with the Swiss authorities to avoid any prejudice to the security of Switzerland resulting from its activity.

Article 26

Execution of the Agreement by Switzerland. The Federal Political Department is entrusted with the execution by the Swiss Confederation of this Agreement and the Arrangement for its Execution.

Article 27

Jurisdiction. 1. Any divergence of opinion concerning the application or interpretation of this Agreement or the Arrangement for its Execution which has not been settled by direct conversations between the parties may be submitted by either party to a tribunal of three members which shall be established on the coming into force of this Agreement.

2. The Swiss Federal Council and the International Labour Organisation shall each choose one member of the tribunal.

3. The judges so appointed shall choose their president.

4. In the event of disagreement between the judges on the choice of a president, the president shall be chosen by the President of the Supreme Court of the Netherlands at the request of the Members of the tribunal.

5. The tribunal may be seised of an application by either party.

6. The tribunal shall determine its own procedure.

Article 28

Coming into force. 1. This agreement shall come into force as soon as it has been approved by the Swiss Federal Council and the Governing Body of the International Labour Office.

2. It shall become operative on the dissolution of the League of Nations.

Article 29

Transitory régime. Until the date of the dissolution of the League of Nations the Modus Vivendi of 1921 and 1926 and the supplementary arrangements concluded between the Political Department, the League of Nations and the

International Labour Office shall remain applicable to the International Labour Organisation.

Article 30

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.

3. If the negotiations do not result in an understanding within one year the Agreement may be denounced by either party giving two years' notice.

Article 31

Arrangement for execution. The provisions of this Agreement are completed by the Arrangement for its Execution.

III. Arrangement for the Execution of the Agreement Made between the Swiss Federal Council and the International Labour Organisation concerning the Legal Status of the International Labour Organisation in Switzerland

Article 1

Customs exemption. The International Labour Organisation enjoys complete exemption from customs, statistical and similar duties on all goods for its official use imported or exported by it, it being understood that objects imported in franchise may only be sold in Switzerland under conditions fixed by agreement between the International Labour Organisation and the Swiss Federal Council.

Article 2

Import and export of goods. The Swiss Federal Council recognises so far as it is concerned that the provisions and restrictions on the import and export of goods are not applicable to objects for the official use of the International Labour Organisation and necessary for its work, subject to the provisions of general international conventions and measures of a sanitary character, it being understood that it is for the International Labour Organisation to obtain any consent from other States which may be necessary to make this exemption effective.

Article 3

Social insurance. The International Labour Organisation is exempt from all compulsory contributions to general social insurance funds such as equalisation, unemployment insurance and workmen's compensation funds, etc., it being understood that the International Labour Organisation 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 International Labour Organisation itself.

Article 4

Free disposal of funds. 1. The International Labour Organisation may hold accounts in all currencies.

2. The International Labour Organisation may transfer abroad freely funds, notes, specie and securities.

3. The International Labour Organisation may convert into other currencies all moneys held by it.

4. The Swiss Federal Council will have regard to the provisions of the preceding paragraphs of this article in its negotiations with foreign Governments concerning the transfer of funds and goods.

Article 5

Cyphers, couriers, diplomatic bags. 1. The International Labour Organisation may use cyphers in its communications.

2. The International Labour Organisation is entitled to use couriers and diplomatic bags under the same conditions as foreign Governments.

Article 6

Press communications. The International Labour Organisation shall enjoy the preferential tariffs applicable to press communications in accordance with the International Telecommunications Convention for its communications addressed directly or through an intermediary to the press and radio.

Article 7

Freedom of access and sojourn. 1. For the purpose of facilitating the entry into Switzerland of the persons enumerated in Article 14 of the Agreement Swiss legations and consulates abroad shall be given general instructions in advance to grant visas on production of a passport or any equivalent identity and travel document and of a document sufficient to establish the official relationship of the applicant to the International Labour Organisation.

2. Swiss legations and consulates will be given instructions to grant visas without any delay or waiting period and without requiring the personal attendance of the applicant or the payment of charges.

3. The provisions of Article 14 of the Agreement and of this article shall apply in the same conditions to the wife and children of the person concerned if they live with him and do not exercise a profession.

Article 8

Identity card. The Federal Political Department shall furnish the International Labour Office for each official with an identity card bearing the photograph of the holder. This card, authenticated by the Federal Political Department and the International Labour Office, shall serve to identify the official in relation to all federal, cantonal and communal authorities.

Article 9

Facilities accorded to officials not of Swiss nationality. Officials of the International Labour Office who are not of Swiss nationality shall enjoy the following exemptions and facilities :

- (a) exemption from all customs, statistical and import duties on all objects whether used or new brought by the official on his first installation in Switzerland or on his return to Switzerland after a minimum absence of three years ;

- (b) exemption from exchange restrictions under conditions identical with those accorded to diplomatic agents accredited to the Federal Council ;
- (c) in the event of international crisis, repatriation facilities for the officials and members of their family identical with those accorded to the members of diplomatic missions accredited to the Federal Council ;
- (d) exoneration from federal, cantonal and communal taxes in accordance with the usages established for the non-Swiss personnel of the international institutions at Geneva ;
- (e) exemption on application by the Director of the International Labour Office from customs duties on imported motor-cars, it being understood that this facility may not be used more often than once in three years as a maximum and that the customs duties will be due in the event of the sale or disposal of the motor-car to a person not entitled to this exemption before the expiry of an interval to be determined by common agreement between the Swiss Federal Council and the International Labour Office ;
- (f) the customs examination of luggage will as in the case of the diplomatic corps be limited to the strict minimum.

Article 10

Military service. 1. The Director of the International Labour Office will communicate to the Swiss Federal Council a list of the officials of Swiss nationality who are subject to military obligations.

2. The Director of the International Labour Office and the Swiss Federal Council will draw up by common agreement a restricted list of officials of Swiss nationality who on account of their functions will be accorded dispensations from military service.

3. In the event of the mobilisation of other Swiss officials the International Labour Office may request through the Federal Political Department a postponement of call up or any other appropriate measures.

Article 11

Diplomatic passport. Officials of Swiss nationality of the categories fixed by common agreement between the Director of the International Labour Office and the Swiss Federal Council who travel on official mission or reside abroad on account of their functions shall be entitled to a diplomatic passport issued by the Federal Political Department.

Article 12

Pensions Fund, etc. 1. Capital sums due by the Pensions Fund or any other provident fund to the agents, officials or employees of the International Labour Organisation in any circumstances, including the termination, interruption or suspension of their services, shall be exempt at the time of payment from all Swiss taxes on capital and income.

2. The same principle shall apply to all indemnities for sickness, accidents, etc., paid to agents, officials or employees of the International Labour Organisation.

Article 13

Postage-stamps. 1. The Swiss Federal authorities shall issue special stamps for the use of the International Labour Organisation within the limits allowed by the Universal Postal Convention.

2. The existing arrangements on this subject shall remain in force unless they are modified by mutual agreement.

Article 14

Coming into force. 1. The present Arrangement shall come into force as soon as it has been approved by the Swiss Federal Council and the Governing Body of the International Labour Office.

2. It will become operative on the dissolution of the League of Nations.

Article 15

Modification of the Arrangement. 1. This Arrangement 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 the provisions of the Arrangement.

3. If the negotiations do not result in an understanding within one year, the Arrangement may be denounced by either party giving two years' notice.

IV. Declaration by the Representatives of the Federal Political Department and of the Federal Department of Public Economy

At the time of signing the procès-verbal, the representatives of the Federal Political Department and of the Federal Department of Public Economy declare :

(1) that they are proposing to the Federal Council that it should request the Swiss National Bank to give the International Labour Organisation every assistance in the event of it finding it difficult to obtain the Swiss francs necessary for it to carry on its activities in Switzerland ;

(2) that the Federal Council accepts as soon as circumstances permit to substitute in paragraph 4 of Article 27 of the Agreement for the words "the President of the Supreme Court of the Netherlands" the words "the President of the International Court of Justice".

(Signed) Paul GUGGENHEIM
D. SECRETAN
M. KAUFMANN.
