ARRANGEMENTS FOR THE MEETING OF THE TWENTY-SIXTH SESSION OF THE UNESCO INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION (IOC), INTERGOVERNMENTAL COORDINATION GROUP FOR THE PACIFIC TSUNAMI WARNING AND MITIGATION SYSTEM (ICG/PTWS-XXVI)

(HONOLULU, HAWAII, 22-24 APRIL 2015)

The Government of the United States of America (hereinafter “the United States”) and the United Nations Education, Scientific and Cultural Organization (hereinafter “UNESCO”) have reached the following understandings regarding arrangements for the Meeting of the Intergovernmental Coordination Group (ICG) for the Pacific Tsunami Warning System (hereinafter “the Meeting”) to be held in Honolulu, Hawaii, United States of America, 22–24 April 2015 at the Royal Hawaiian Hotel, Waikiki, Oahu, Hawaii.

I. PRIVILEGES AND IMMUNITIES

In accordance with U.S. law and practice, in particular the International Organizations Immunities Act and practice thereunder, the following privileges and immunities apply to the Meeting:

1. Juridical personality

To the extent consistent with the UNESCO Constitution, the United States recognizes that UNESCO possesses juridical personality. UNESCO has the capacity (a) to contract; (b) to acquire and dispose of immovable and movable property; (c) to institute legal proceedings.

2. Property, funds and assets

1) UNESCO, its property and assets, by whomsoever held, enjoy the same immunity from suit and every form of judicial process as is enjoyed by foreign governments in the United States except in so far as in any particular case it has expressly waived its immunity for the purpose of any proceedings or by the terms of any contract. It is, however, understood that such waiver of immunity would not extend to any measure of execution.

2) The property and assets of UNESCO, wherever located and by whomsoever held, are immune from search and confiscation.

3) The archives of UNESCO are inviolable.

4) UNESCO is exempt from customs duties and internal revenue taxes imposed upon or by reason of importation, including on its publications to the same extent as foreign governments in similar circumstances and subject to the same procedures in connection therewith;
3. Facilities in respect of communications

U.S. constitutional provisions, including those that implement U.S. obligations under Article 19 of the International Covenant on Civil and Political Rights, contain legal protections against censorship of the official correspondence and other official communications of UNESCO.

4. Foreign Government Representatives and UNESCO Officers and Employees Participating in the Meeting

1) Foreign Government representatives to the Meeting and officers and employees of UNESCO enjoy the following:

   (a) Immunity from arrest in connection with acts performed by them in their official capacity and falling within their functions, and in respect of words spoken or written and all acts done by them in their official capacity and falling within their functions, immunity from suit and legal process;

   (b) The same exemption with respect to laws regulating entry into and departure from the United States and alien registration as are accorded under similar circumstances to officers and employees of foreign governments; and

   (c) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions.

2) In order to secure complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by Foreign Government representatives to the Meeting and officers and employees of UNESCO in discharging their duties continues, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

3) Privileges and immunities are not for the personal benefit of the UNESCO officers and employees themselves, but to safeguard the independent exercise of their functions in connection with UNESCO. Consequently, UNESCO not only has the right but is under a duty to waive the immunity of its officers and employees in any case where, in the opinion of UNESCO, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is extended.

4) The understandings of paragraphs 4(1)(b) and (c), and (2) are not applicable in relation to the U.S. nationals who are officers and employees of UNESCO. The understandings reflected in this paragraph do not apply with respect to U.S. nationals serving as representatives in or to UNESCO for this Meeting.
II. FREE SPEECH PROTECTIONS

U.S. constitutional provisions, including those that implement U.S. obligations under Article 19 of the International Covenant on Civil and Political Rights, provide legal protections with regard to freedom of speech applicable to all participants in the meeting, including Experts who are not officers or employees of UNESCO or representatives of foreign governments.

III. VISAS

Where visas are required, the United States Government intends to issue them as promptly as possible to all Meeting participants.

For the Government of the United States of America

[Signature]

Ms. Mary Catherine Malin
Assistant Legal Adviser for
Diplomatic Law and Litigation
United States Department of State

For the United Nations Educational, Scientific and Cultural Organization

[Signature]

Mr. Vladimir Ryabinin
IOC Executive Secretary and Assistant
Director-General for IOC
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