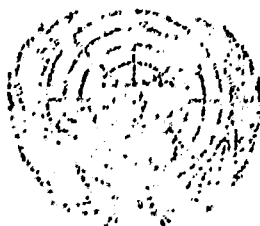


UNITED NATIONS

GENERAL  
ASSEMBLY



GENERAL

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REGULATIONS TO GIVE EFFECT TO ARTICLE III, SECTION 8  
OF THE HEADQUARTERS AGREEMENT BETWEEN THE UNITED NATIONS  
AND THE UNITED STATES OF AMERICA

Report of the Secretary General

1. The Headquarters Agreement between the United Nations and the United States of America, under article III on laws applicable and competent authority in the Headquarters district (see Annex), provides that this area shall be under the control and authority of the United Nations as provided in the Agreement. The federal, state and local law of the United States applies within the Headquarters district except as the Headquarters Agreement (or the Convention on the Privileges and Immunities of the United Nations, when acceded to by the United States) may provide otherwise.

2. Section 8 of article III specifically confers upon the United Nations "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." Further, section 10 provides that the United Nations may expel or exclude persons from the Headquarters district for violation of its regulations adopted under section 8, but other penalties are left to the appropriate American authorities. Thus also, under section 7(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, will take into account the regulations enacted by the United Nations.

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3. The General Assembly, in resolution 169 (II) A approving the Headquarters Agreement signed on 26 June 1947, authorized the Secretary General "to perform on behalf of the United Nations such acts or functions as may be required by that Agreement". This authority, however, is of a general nature. Since the adoption of formal regulations in the name of the United Nations will have important legal consequences, the Secretary General would therefore prefer to receive an express authorization from the General Assembly for the promulgation of such regulations as may prove necessary under the terms of section 8 of the Agreement. The Secretary General accordingly takes this occasion to acquaint the General Assembly with the following considerations, upon the basis of which he would prepare such regulations.

4. It is clear from the terms of the Headquarters Agreement that the Headquarters regulations are to have effect within the territory comprising the Headquarters district. Being operative within the district, they may thus refer to the territory comprising the Headquarters district, or to acts that might be done within its limits, or to transactions that may be deemed in law or in fact to take place in that district. For the most part, they will concern the administration of the Headquarters itself - the maintenance of the buildings and grounds, the control of traffic within the district, dispositions for supervising the necessary services and concessions, necessary contractual arrangements to be concluded within the district, and like subjects.

5. As it is a serious matter, however, to create an inconsistency affecting the operation of the internal law of a Member State, the regulations should be designed to cause a minimum of legal conflict. To this end, regulations on any given subject should be promulgated only as practical experience in the administration and maintenance of the Headquarters demonstrates them to be in all respects necessary for the full execution of United Nations functions. It would, of course, be undesirable to attempt to set up a priori an entire code, as it were, of legislative matter with the intent of superseding the established laws on all subjects which might in due course require regulation within the Headquarters district. Nevertheless, although a regulation which might conflict with otherwise applicable law should not, on the one hand, be promulgated in advance of necessity; on the other hand a situation in which an American law

/might undesirably

might undesirably bear upon the Headquarters district ought in every case to be dealt with promptly.

6. It is important that all regulations in the sense of section 8 - that is, all regulations which are intended to govern the Headquarters district and which it is reasonably expected may, either at the time of adoption or thereafter, involve some inconsistency with federal, state or local law - should be drafted in such form as to permit their collection and publication as a unified body of rules to which the appropriate American authorities can turn in order to know to what extent their own responsibilities may be affected by the regulations for the Headquarters district.

7. It is accordingly the suggestion of the Secretary General that he be specifically authorized by the General Assembly to issue regulations for the Headquarters district in accordance with section 8 of the Agreement, when and as necessary. He will thus be in position to issue regulations on relatively short notice, avoiding the necessity, for example, of waiting from one session of the General Assembly till the next for formal enactment of such regulations as prove requisite. The Secretary-General will then report to each next subsequent session of the General Assembly any such regulations adopted. In this manner, the General Assembly will in all cases be fully apprised of the policy considerations on which any given regulations are based, while at the same time their entry into force for the Headquarters district will not be delayed.

ANNEX

AGREEMENT BETWEEN THE UNITED NATIONS AND THE  
UNITED STATES OF AMERICA REGARDING THE  
HEADQUARTERS OF THE UNITED NATIONS

ARTICLE III

Laws and applicable and competent 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

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.

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### ARTICLE VIII

#### 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.

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