

No. 27137

**UNITED NATIONS
(UNITED NATIONS DEVELOPMENT PROGRAMME)
and
DENMARK**

**Agreement relating to the headquarters in Copenhagen of the
Inter-Agency Procurement Services Unit. Signed at
Copenhagen on 17 January 1989 and at New York on
25 January 1989**

Authentic text: English.

Registered ex officio on 1 March 1990.

**ORGANISATION DES NATIONS UNIES
(PROGRAMME DES NATIONS UNIES
POUR LE DÉVELOPPEMENT)
et
DANEMARK**

**Accord relatif au siège du Groupe des services d'achats inter-
organisations à Copenhague. Signé à Copenhague le
17 janvier 1989 et à New York le 25 janvier 1989**

Texte authentique : anglais.

Enregistré d'office le 1^{er} mars 1990.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF DENMARK
AND THE UNITED NATIONS DEVELOPMENT PROGRAMME
RELATING TO THE HEADQUARTERS IN COPENHAGEN OF
THE INTER-AGENCY PROCUREMENT SERVICES UNIT

The Government of Denmark and the United Nations
Development Programme,

CONSIDERING that the United Nations Development Programme
has accepted the offer of the Government of Denmark to pro-
vide expanded facilities in Copenhagen for the Inter-Agency
Procurement Services Unit;

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 1946,² to which
Denmark became a party on 10 June 1948, is ipso facto appli-
cable to the Inter-Agency Procurement Services Unit;

CONSIDERING that it is desirable to conclude an agreement,
complementary to the Convention on the Privileges and Immuni-
ties of the United Nations, to regulate questions not envi-
saged in that convention arising as a result of the establish-
ment of the Inter-Agency Procurement Services Unit in
Copenhagen;

Have agreed as follows:

ARTICLE I

Definitions

In the present Agreement,

- (a) The expression "UNDP" means the United Nations Develop-
ment Programme;
- (b) The expression "IAPSU, Copenhagen" means UNDP, Inter-
Agency Procurement Service Unit in Copenhagen;
- (c) The expression "the Government" means the Government of
Denmark;
- (d) The expression "Headquarters" means the premises occupied
by IAPSU, Copenhagen in accordance with provisions set
forth from time to time in supplementary agreements;

¹ Came into force on 25 January 1989 by signature, in accordance with article XIII (3).

² United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

- (e) The expression "Administrator" means the Administrator of UNDP or his authorized representative;
- (f) The expression "officials of UNDP" means the Administrator and all members of the staff of UNDP, with the exception of officials or employees who are locally recruited and assigned to hourly rates;
- (g) The expression "Director of IAPSU, Copenhagen" means the senior official in charge of IAPSU, Copenhagen;
- (h) The expression "officials of IAPSU, Copenhagen" means the Director and all members of the staff of IAPSU, Copenhagen, with the exception of officials or employees who are locally recruited and assigned to hourly rates;
- (i) The expression "Convention" means the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946.

ARTICLE II

Juridical personality and capacity

The United Nations Development Programme acting through IAPSU, Copenhagen shall have the capacity:

- (a) To contract;
- (b) To acquire and dispose of immovable and movable property;
- (c) To institute legal proceedings.

ARTICLE III

Headquarters

1. The Government recognizes the extra-territoriality of the Headquarters seat, which shall be under the control and authority of IAPSU, Copenhagen as provided in this Agreement.

2. Except as otherwise provided in this Agreement or in the General Convention, and subject to any regulation enacted under para 5, the laws of Denmark shall apply within the Headquarters seat.

3. Except as otherwise provided in this Agreement, or in the General Convention, the courts or other appropriate organs of Denmark shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the Headquarters seat.

4. The Headquarters shall be inviolable. No official of the Government shall enter the Headquarters to perform any duties except upon the consent of or at the request of the Director of IAPSU, Copenhagen and under conditions approved by him.

5. IAPSU, Copenhagen 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 Denmark which is inconsistent with a regulation of UNDP authorized by this paragraph shall, to the extent of such inconsistency, be enforceable within the Headquarters seat. Any dispute between IAPSU, Copenhagen and Denmark as to whether a regulation of UNDP is authorized by this section or as to whether a law of Denmark is inconsistent with any regulation of UNDP authorized by this paragraph, shall promptly be settled by the procedure set out in Article XII.

6. Juridicial actions, including service of legal process and the seizure of private property, shall not take place within the Headquarters, except with the consent of, and under conditions approved by the Director of IAPSU, Copenhagen.

7. Without prejudice to the provision of the Convention or this Agreement, IAPSU, Copenhagen shall prevent the Headquarters from being used as a refuge by persons who are avoiding arrest under any law of Denmark, who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process.

8. (a) The appropriate Danish authorities shall exercise due diligence to ensure that the tranquility of the Headquarters is not disturbed by any person or groups of persons from attempting unauthorized entry into or creating disturbances in the immediate vicinity of the Headquarters seat.

(b) If so requested by the Director of IAPSU, Copenhagen, the appropriate Danish authorities shall provide necessary assistance for the preservation of law and order in the Headquarters and for the removal therefrom of persons as requested by the Director of IAPSU, Copenhagen.

9. The appropriate Danish authorities shall make every possible effort to secure upon the request of the Director of IAPSU, Copenhagen, the public services needed by IAPSU, Copenhagen, including, without limitation by reason of this enumeration, postal, telephone, and telegraph services and, power, water and fire protection services. Such public services shall be supplied on equitable terms.

10. In case of any interruption or threatened interruption of the aforesaid services, the appropriate Danish authorities shall consider the needs of UNDP as being of equal importance with those of essential agencies of the Government, and shall take steps accordingly to ensure that the work of UNDP is not prejudiced.

ARTICLE IV

Freedom of access to the Headquarters

1. The competent Danish authorities shall not impede the transit to or from the Headquarters of persons holding official posts therein or of persons invited thereto in connection with the official work and activities of UNDP upon their arrival in or departure from Denmark.

2. The Government undertakes, for this purpose, to allow the entry into and residence in Denmark of the persons listed hereunder during their assignment or during the performance of their duties for UNDP, without charging visa fees and without delay as well as exemption from any requirements of exit visa formalities upon departure from Denmark of:

(a) Representatives of States, representatives of United Nations organs, specialized or related agencies, and observers from intergovernmental, non-governmental and other organizations, with which UNDP has established official relations, invited or entitled to participate in conferences or meetings convened in Denmark by UNDP including alternate representatives or observers, advisers, experts and assistants, as well as their spouses and dependent members of their families;

(b) UNDP officials and experts on missions for UNDP, as well as their spouses and dependent members of their families;

(c) Officials of the United Nations or any of its specialized or related agencies who are assigned to work for UNDP and those who have official duties with IAPSU, Copenhagen, as well as their spouses and dependent members of their families;

(d) All persons invited to the Headquarters on official business.

3. Without prejudice to the special immunities which they may enjoy, persons referred to in paragraph 2 above may not be forced by Danish authorities to leave Danish territory unless they abuse their recognized residence privileges by exercising an activity outside their official capacity, and subject to the provisions mentioned hereunder: