

No. 27626

**UNITED NATIONS
(UNITED NATIONS HIGH
COMMISSIONER FOR REFUGEES)
and
NICARAGUA**

**Agreement on the establishment of a United Nations High
Commissioner for Refugees field office in Nicaragua.
Signed at Managua on 1 November 1990**

Authentic text: Spanish.

Registered ex officio on 1 November 1990.

**ORGANISATION DES NATIONS UNIES
(HAUT COMMISSARIAT
DES NATIONS UNIES POUR LES RÉFUGIÉS)
et
NICARAGUA**

**Accord relatif à l'établissement d'un Office du Haut Com-
missariat des Nations Unies pour les réfugiés au Nicara-
gua. Signé à Managua le 1^{er} novembre 1990**

Texte authentique : espagnol.

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

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES AND THE GOVERNMENT OF NICARAGUA

Whereas the Office of the United Nations High Commissioner for Refugees was established by the United Nations General Assembly in Resolution 319 (IV) of 3 December 1949,²

Whereas the Statute of the Office of the United Nations High Commissioner for Refugees, adopted by the United Nations General Assembly in its resolution 428 (V) of 14 December 1950,³ provides, *inter alia*, that the High Commissioner, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the Statute and of seeking permanent solutions for the problem of refugees by assisting governments and, subject to the approval of the governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities,

Whereas the Office of the United Nations High Commissioner for Refugees, a subsidiary organ established by the General Assembly pursuant to Article 22 of the Charter of the United Nations, is an integral part of the United Nations whose status, privileges and immunities are governed by the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946,⁴

Whereas the Office of the United Nations High Commissioner for Refugees and the Government of Nicaragua wish to establish the terms and conditions under which the Office, within its mandate, shall be represented in the country,

Now therefore, the Office of the United Nations High Commissioner for Refugees and the Government of Nicaragua, in a spirit of friendly cooperation, have entered into this Agreement.

Article I

DEFINITIONS

For the purpose of this Agreement the following definitions shall apply:

(a) “UNHCR” means the Office of the United Nations High Commissioner for Refugees,

(b) “High Commissioner” means the United Nations High Commissioner for Refugees or the officials to whom the High Commissioner has delegated authority to act on his behalf,

¹ Came into force on 1 November 1980 by signature, in accordance with article XVII (1).

² United Nations, *Official Records of the General Assembly, Fourth Session*, (A/1251), p. 36.

³ *Ibid.*, *Fifth Session, Supplement No. 20* (A/1775), p. 46.

⁴ United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

- (c) “Government” means the Government of Nicaragua,
- (d) “Host country” or “country” mean Nicaragua,
- (e) “Parties” means UNHCR and the Government,
- (f) “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,
- (g) “UNHCR Office” means all the offices and premises, installations and facilities occupied or maintained in the country,
- (h) “UNHCR Representative” means the UNHCR official in charge of the UNHCR office in the country,
- (i) “UNHCR officials” means all members of the staff of UNHCR employed under the Staff Regulations and Rules of the United Nations, with the exception of persons who are recruited locally and assigned to hourly rates as provided in General Assembly resolution 76 (I),
- (j) “Experts on mission” means individuals who are not UNHCR officials but are performing services on behalf of UNHCR and are undertaking temporary missions for UNHCR.
- (k) “Persons performing services on behalf of UNHCR” means natural and juridical persons and their employees, other than nationals of the host country, retained by UNHCR to execute or assist in the carrying out of its programmes,
- (l) “UNHCR personnel” means UNHCR officials, experts on mission and persons performing services on behalf of UNHCR.

Article II

PURPOSE OF THIS AGREEMENT

This Agreement embodies the basic conditions under which UNHCR shall, within its mandate, cooperate with the Government, open offices in the country, and carry out its international protection and humanitarian assistance functions in favour of refugees and other persons of its concern in the host country.

Article III

CO-OPERATION BETWEEN THE GOVERNMENT AND UNHCR

1. Cooperation between the Government and UNHCR in the field of international protection of and humanitarian assistance to refugees and other persons of concern to UNHCR shall be carried out on the basis of the Statute of UNHCR, of other relevant decisions and resolutions relating to UNHCR adopted by United Nations organs and of article 35 of the Convention relating to the Status of Refugees of 1951¹ and article 2 of the Protocol relating to the status of Refugees of 1967.²

2. The UNHCR office shall maintain consultations and cooperation with the Government with respect to the preparation and review of projects for refugees.

¹ United Nations, *Treaty Series*, vol. 189, p. 137.

² *Ibid.*, vol. 606, p. 267.

3. For any UNHCR-funded projects to be implemented by the Government, the terms and conditions, including the commitment of the Government and the High Commissioner with respect to the furnishing of funds, supplies, equipment and services or other assistance for refugees, shall be set forth in project agreements to be signed by the Government and UNHCR.

4. The Government shall at all times grant UNHCR personnel unimpeded access to refugees and other persons of concern to UNHCR and to the sites of UNHCR projects in order to monitor all phases of their implementation.

Article IV

UNHCR OFFICE

1. The Government welcomes that UNHCR establish and maintain an office or offices in the country for providing international protection and humanitarian assistance to refugees and other persons of concern to UNHCR.

2. UNHCR may designate, with the consent of the Government, the UNHCR office in the country to serve as a Regional/Area office and the Government shall be notified in writing of the number and level of the officials assigned to it.

3. The UNHCR office will exercise functions as assigned by the High Commissioner, in relation to his mandate for refugees and other persons of his concern, including the establishment and maintenance of relations between UNHCR and other governmental or non-governmental organizations functioning in the country.

Article V

UNHCR PERSONNEL

1. UNHCR may assign to the office in the country such officials or other personnel as UNHCR deems necessary for carrying out its international protection and humanitarian assistance functions.

2. The Government shall be informed of the category of the officials and other personnel to be assigned to the UNHCR office in the country and of changes in the status of such individuals at the time those changes occur.

3. UNHCR may designate officials to visit the country for purposes of consulting and cooperating with the corresponding officials of the Government or other parties involved in refugee work in connection with: (a) the review, preparation, monitoring and evaluation of international protection and humanitarian assistance programmes; (b) the shipment, receipt, distribution or use of the supplies, equipment and other materials furnished by UNHCR; (c) seeking permanent solutions for the problem of refugees; and (d) any other matters relating to the application of this Agreement.

Article VI

FACILITIES FOR IMPLEMENTATION OF UNHCR HUMANITARIAN PROGRAMMES

1. The Government of Nicaragua shall provide such cooperation and facilities as may be necessary to the officials, experts on mission and persons performing services on behalf of UNHCR for the speedy and efficient execution of UNHCR

humanitarian programmes. Such measures shall include the authorization to operate, free of licence fees, UNHCR radio and other telecommunications equipment.

2. The Government, in agreement with UNHCR, shall collaborate with officials in finding appropriate office premises and shall put them at the disposal of UNHCR at a nominal rent.

3. The Government shall ensure that the UNHCR office is at all times supplied with the necessary public services.

4. The Government shall take the necessary measures, when required, to ensure the security and protection of the premises of the UNHCR office and its personnel.

Article VII

PRIVILEGES AND IMMUNITIES

1. The Government shall apply to UNHCR, its property, funds and assets, and to its officials and experts on mission the relevant provisions of the Convention on the Privileges and Immunities of the United Nations to which the Government became a party on 29 November 1947.

2. Without prejudice to paragraph 1 of this article, the Government shall in particular extend to UNHCR the privileges, immunities, rights and facilities provided in articles VIII to XV of this Agreement.

Article VIII

UNHCR OFFICE, PROPERTY, FUNDS, AND ASSETS

1. UNHCR, its property, funds, and assets, wherever located and by whomsoever held, shall be immune from every form of legal process, except insofar as in any particular case it has expressly waived its immunity; it being understood that this waiver shall not extend to any measure of execution.

2. The premises of the UNHCR office shall be inviolable. The property, funds and assets of UNHCR, whenever situated and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action in conformity with the preceding article.

3. The archives of UNHCR, and in general all documents belonging to or held by it, shall be inviolable.

4. The funds, assets, income and other property of UNHCR shall be exempt from:

(a) Any form of direct taxation, provided that UNHCR will not claim exemption from charges for public utility services;

(b) Customs duties and prohibitions and restrictions on articles imported or exported by UNHCR for its official use, provided that articles imported under such exemption will not be sold in the country except under conditions agreed upon with the Government.