

No. 31189

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

**Agreement on the establishment of a United Nations High
Commissioner for Refugees field office in Cambodia.
Signed at Phnom Penh on 13 September 1994**

Authentic text: English.

Registered ex officio on 13 September 1994.

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

**Accord relatif à l'établissement d'une délégation du Haut
Commissariat des Nations Unies pour les réfugiés au
Cambodge. Signé à Phnom Penh le 13 septembre 1994**

Texte authentique : anglais.

Enregistré d'office le 13 septembre 1994.

CO-OPERATION AGREEMENT¹ BETWEEN THE ROYAL GOVERNMENT OF CAMBODIA AND THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

PREAMBLE

Whereas the Office of the United Nations High Commissioner for Refugees was established by the United General Assembly 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 United Nations High Commissioner for Refugees, 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 solution for the problem of refugees by assisting governments and, subject to the approval of the governments concerned, non-governmental 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 Royal Government of Cambodia 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 Royal Government of Cambodia, in a spirit of friendly co-operation, have entered into the present Agreement.

Article 1

DEFINITIONS

For the purpose of the present 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 her behalf;

¹ Came into force on 13 September 1994 by signature, in accordance with article XVIII (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 *Ibid.*, *Treaty Series*, vol. 1, p. 15 and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

- (c) “Government” means the Royal Government of Cambodia;
- (d) “Host Country” or “Country” means the Kingdom of Cambodia;
- (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);¹
- (j) “Experts on mission” means individuals, other than UNHCR officials or persons performing services on behalf of UNHCR or undertaking 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

The present 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. Co-operation between the Government and UNHCR in the field of international protection and humanitarian assistance to refugees and other persons of concern shall be carried out on the basis of the Statute of UNHCR, of other relevant Decisions and Resolutions relating to UNHCR adopted by the United Nations organs and of Article 35 of the Convention relating to the Status of Refugees of 1951,² and Article 2 of the Protocol relating to the Status of Refugees of 1967.³

¹ *Resolutions adopted by the General Assembly during the second part of its first session from 23 October to 15 December 1946 (A/64/Add.1)*, p. 139.

² United Nations, *Treaty Series*, vol. 189, p. 137.

³ *Ibid.*, vol. 606, p. 267.

2. The UNHCR office shall maintain consultations and co-operation with the Government with respect to the preparation and review of projects for refugees and other persons of its concern.

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 and other persons of concern, 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, including locally recruited personnel, unimpeded access to refugees and other persons of concern and to the sites of UNHCR projects in order to monitor all phases of their implementation in the Country.

Article IV

UNHCR OFFICES

1. The Government welcomes the establishment and maintenance of UNHCR offices in the Country for providing international protection and humanitarian assistance to refugees and other persons of its concern.

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

4. In the event that UNHCR does not maintain an UNHCR office in the Country, it may, with the agreement of the Government, provide support for programmes of co-operation agreed to between the Government and UNHCR under the present Agreement, through a UNHCR Regional/Area office established in another country.

Article V

UNHCR PERSONNEL

1. UNHCR may assign to the UNHCR offices 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 offices in the Country.

3. UNHCR may designate officials to visit the country for purposes of consulting and co-operating 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 other persons of its concern, and (d) any other matters relating to the application of this Agreement.

Article VI

FACILITIES FOR IMPLEMENTATION OF UNHCR HUMANITARIAN PROGRAMMES

1. The Government, in agreement with UNHCR, shall take any measure which may be necessary to exempt UNHCR officials, experts on mission and persons performing services on behalf of UNHCR from regulations or other legal provisions which may interfere with operations and projects carried out under this Agreement, and shall grant them such other facilities as may be necessary for the speedy and efficient execution of UNHCR humanitarian programmes for refugees and other persons of its concern in the Country. Such measures shall include the authorization to operate, free of license fees, UNHCR radio and other telecommunications equipment; the granting of air traffic rights and the exemption from aircraft landing fees and royalties for emergency relief cargo flights, transportation of refugees and other persons of its concern, and UNHCR personnel, provided appropriate notice is given in advance to the Government.

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

3. The Government, in agreement with UNHCR, shall make arrangements and provide funds up to a mutually agreed amount, to cover the cost of local services and facilities for the UNHCR offices, such as establishment, equipment, maintenance and rent, if any, of the offices.

4. The Government shall ensure that the UNHCR offices are at all times supplied with the necessary public services, and that such public services are supplied on equitable terms.

5. The Government shall take the necessary measures, to ensure the security and protection of the premises of the UNHCR offices and its personnel.

6. The Government shall facilitate the location of suitable housing accommodation for UNHCR personnel recruited internationally.

7. Financial contributions by the Government shall only be made in the future, if the Government budget so allows.

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. The Government also agrees to grant to UNHCR and its personnel such additional privileges and immunities as may be necessary for the effective exercise of the international protection and humanitarian assistance functions of UNHCR.