

No. 31362

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

**Agreement on the establishment of a United Nations High
Commissioner for Refugees field office in Benin. Signed
at Cotonou on 15 November 1994**

Authentic texts: English and French.

Registered ex officio on 15 November 1994.

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

**Accord relatif à l'établissement d'une délégation du Haut
Commissariat des Nations Unies pour les réfugiés au
Bénin. Signé à Cotonou le 15 novembre 1994**

Textes authentiques : anglais et français.

Enregistré d'office le 15 novembre 1994.

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

PREAMBLE

WHEREAS the Office of the United Nations High Commissioner for Refugees was established by the United Nations 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 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 the Republic of Benin 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 the Republic of Benin, in a spirit of friendly co-operation, have entered into the following Agreement.

¹ Came into force on 15 November 1994 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).

ARTICLE I Definitions

For the purposes 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;
- (c) "Government" means the Government of the Republic of Benin;
- (d) "Host Country" or "Country" means the country in which the UNHCR Office is located or the country which benefits from programmes executed by a UNHCR Office located in another country;
- (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 by UNHCR 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) of 7 December 1946;¹
- (j) "Experts on mission" means individuals, other than UNHCR officials or persons performing services on behalf of UNHCR, 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.

¹ United Nations, *Official Records of the General Assembly, First Session, second part (A/64/Add.1)*, p. 139.

ARTICLE II Purpose of this Agreement

This Agreement embodies the basic conditions under which UNHCR shall, within its mandate, co-operate with the Government, open office 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 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 co-operation with the Government with respect to the preparation and review of projects for refugees.

3. For any UNHCR-funded projects to be implemented by the Government, the terms and conditions including the obligations 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.

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

² *Ibid.*, vol. 606, p. 267.

2. UNHCR may designate, with the consent of the Government, the UNHCR office in the country to serve as a Regional or an 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.

3. UNHCR may designate officials to visit the country for purposes of consulting and co-operating with their counterparts in 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, 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 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/or UNHCR personnel.