

No. 32589

**UNITED NATIONS
(UNITED NATIONS HIGH
COMMISSIONER FOR REFUGEES)
and
BURKINA FASO**

Headquarters Agreement of the Office of the High Commissioner for Refugees in Ouagadougou. Signed at Geneva on 19 February 1996

Authentic text: French.

Registered ex officio on 19 February 1996.

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

Accord de siège relatif au Bureau du Haut Commissaire pour les réfugiés à Ouagadougou. Signé à Genève le 19 février 1996

Texte authentique : français.

Enregistré d'office le 19 février 1996.

[TRANSLATION — TRADUCTION]

HEADQUARTERS AGREEMENT¹ BETWEEN THE GOVERNMENT OF BURKINA FASO AND THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES CONCERNING THE UNHCR OFFICE IN OUAGADOUGOU

Whereas the Office of the United Nations High Commissioner for Refugees was established by 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 on 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 to the refugee problem by helping 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 Burkina Faso wish to establish the terms and conditions under which the Office shall, within its mandate, be represented in the country,

Now, therefore, the Office of the United Nations High Commissioner for Refugees and the Government of Burkina Faso, in a spirit of cooperation, have entered into the following Agreement.

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 in her name and on her behalf;

¹ Came into force on 19 February 1996 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 Burkina Faso;
- (d) “Host country” or “country” means Burkina Faso;
- (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 paid as provided in General Assembly resolution 76 (I);¹
- (j) “Experts on mission” means individuals, other than UNHCR officials, who perform services or carry out missions on behalf of UNHCR;
- (k) “Persons performing services on behalf of UNHCR” means natural and juridical persons and their employees, other than nationals of the host country, who are retained by UNHCR to implement or assist in the implementation of its programmes;
- (l) “UNHCR staff” means UNHCR officials, experts on mission or persons performing services on behalf of UNHCR.

Article II

SCOPE OF THE AGREEMENT

This Agreement embodies the general terms and conditions under which UNHCR shall, within the limits of its mandate, cooperate with the Government, open an office in the country and carry out its functions of providing international protection and humanitarian assistance to refugees and other persons in the host country who fall within its competence.

Article III

COOPERATION BETWEEN THE GOVERNMENT AND UNHCR

1. Cooperation between the Government and UNHCR with respect to the provision of international protection and humanitarian assistance to refugees and other persons who fall within its competence shall be based on the Statute of UNHCR, other relevant resolutions and decisions relating to UNHCR adopted by United Nations bodies, article 35 of the Convention relating to the Status of Refugees of 1951 and article 2 of the Protocol relating to the Status of Refugees of 1967.

2. The UNHCR office shall cooperate with the Government in the development and consideration of projects involving refugees.

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

3. The terms and conditions of any UNHCR-funded project to be implemented by the Government, including the obligations of the Government and the High Commissioner with respect to the provision of funds, supplies, equipment and services or any other form of assistance to refugees, shall be set forth in project agreements, which shall be signed by the Government and UNHCR.

4. The Government shall at all times grant UNHCR staff unimpeded access to refugees and other persons who fall within its competence and to the sites of UNHCR projects in order to monitor all phases of project implementation.

Article IV

UNHCR OFFICE

1. With the consent of the Government, UNHCR may establish and maintain an office or offices in Burkina Faso in order to provide international protection and humanitarian assistance to refugees and other persons who fall within the competence of UNHCR.

2. With the consent of the Government, UNHCR may designate the UNHCR office in the country to serve as a regional/area office and shall notify the Government of the number and level of the officials assigned to it.

3. The UNHCR office shall exercise the functions assigned to it by the High Commissioner within the framework of her mandate for refugees and other persons who fall within her competence, by, *inter alia*, establishing and maintaining relations between UNHCR and other governmental and non-governmental organizations functioning in the country.

Article V

UNHCR STAFF

1. UNHCR may assign to its office in the country such officials or other individuals as it deems necessary to the performance of its functions of providing international protection and humanitarian assistance.

2. UNHCR shall periodically notify the Government of the names of UNHCR officials, experts on missions and other persons performing services on its behalf and of any changes in their status.

3. UNHCR may designate officials to visit the country for purposes of consultation and cooperation with their government counterparts, or with 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 or other materials provided by UNHCR;

(c) The search for lasting solutions to the refugee problem;

(d) Any other matters relating to the application of this Agreement.

*Article VI*GOVERNMENT CONTRIBUTION TO THE IMPLEMENTATION OF UNHCR
HUMANITARIAN PROGRAMMES

1. The Government shall, as agreed upon with UNHCR and to the extent possible:

(a) Provide appropriate premises for the UNHCR office, which shall occupy them alone or in conjunction with other organizations of the United Nations system;

(b) Cover the costs of postage and telecommunications for official purposes;

(c) Cover the costs of local services such as equipment, fixtures and the maintenance of office premises;

(d) Provide transportation for UNHCR officials, experts on mission and persons performing services on behalf of UNHCR in the performance of their official functions in the country.

2. The Government shall assist UNHCR:

(a) In the location or provision of suitable housing for internationally recruited UNHCR officials, experts on mission and persons performing services on behalf of UNHCR;

(b) In the installation and supply of the necessary utilities such as water, electricity, sewerage, fire protection and other services.

3. In the event that UNHCR has no office in the country, the Government undertakes to contribute towards the expenses incurred in the maintenance of a UNHCR regional/area office elsewhere, from which support is provided to programmes of cooperation in the country, up to a mutually agreed amount, taking into account any contributions in kind.

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 27 April 1962. The Government also agrees to grant to UNHCR and its staff such additional privileges and immunities as may be necessary for the effective exercise of the international protection and humanitarian assistance functions of UNHCR.

2. Without prejudice to paragraph 1 of this article, the Government shall, in particular, extend to UNHCR the privileges, immunities, rights and facilities stipulated 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 enjoy immunity from every form of legal process except insofar as