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**Nigeria
and
United Nations (World Food Programme)**

Basic Agreement between the Government of the Federal Republic of Nigeria and the World Food Programme (WFP). Abuja, 26 January 2018

Entry into force: *26 January 2018 by signature, in accordance with article XXII(1)*

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**Nigéria
et
Organisation des Nations Unies (Programme alimentaire
mondial)**

Accord de base entre le Gouvernement de la République fédérale du Nigéria et le Programme alimentaire mondial (PAM). Abuja, 26 janvier 2018

Entrée en vigueur : *26 janvier 2018 par signature, conformément au paragraphe 1 de l'article XXII*

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[ENGLISH TEXT – TEXTE ANGLAIS]

BASIC AGREEMENT
BFTWEEN
THE GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA
AND
THE WORLD FOOD PROGRAMME (WFP)

PREAMBLE

The Government of the Federal Republic of Nigeria, represented by the Ministry of Budget and National Planning, hereinafter referred to as the “**Government**”; and

the World Food Programme, hereinafter referred to as “**WFP**” and WFP and the Government, individually, a “**Party**” and together, the “**Parties**”;

in pursuance of the provisions of the United Nations General Assembly Resolutions 1714 (XVI), 2095 (XX), 3348 (XXIX), 3404 (XXX), 46/22, 52/449 and 46/182 and Resolutions 1/61, 4/65, 22/75, 9/91 and 11/97 of the Conference of the Food and Agriculture Organization of the United Nations (FAO), regarding the establishment of the institutional, financial and operational arrangements of WFP:

recalling United Nations General Assembly Resolutions 43/131 and 45/100 on humanitarian assistance to victims of natural disasters and similar emergency situations;

recognizing the humanitarian and developmental character of the activities of WFP and its important role in providing food assistance and fighting hunger and poverty in the world;

recalling the Convention on Privileges and Immunities of the United Nations, adopted by the United Nations General Assembly on 13 February 1946 and the Convention on Privileges and Immunities of the Specialized Agencies and its Annex II, concerning the Food and Agriculture Organization of the United Nations, adopted by the United Nations General Assembly on 21 November 1947 (the “**Conventions**”), both applicable to WFP; and

desiring to supplement the provisions of the Conventions with a view to regulating in greater detail the relations between the Government and WFP, taking into account the special requirements of humanitarian and food assistance;

NOW, therefore the Government and WFP desire to enter into this Basic Agreement (the “**Basic Agreement**”) in accordance with the following terms and conditions:

ARTICLE I
Definitions

1. In this Basic Agreement:

- a. **“WFP” or “World Food Programme”** means the autonomous joint subsidiary programme of the United Nations and the Food and Agriculture Organization of the United Nations (FAO) established by the United Nations General Assembly Resolution 1714 of 19 December 1961 and by FAO Conference Resolution 1/61 of 24 November 1961;
- b. **“Country”** means Nigeria
- c. **“Basic Agreement”** means this Basic Agreement entered into by the Government and WFP.
- d. **“Government”** means the Government of the Country;
- e. **“appropriate authorities”** means such national and local authorities in Nigeria as may be appropriate in the context and in accordance with the laws and customs applicable in *Nigeria* and established principles of international law;
- f. **“Party”** means either the Government or WFP and **“Parties”** means the Government and WFP;
- g. **“United Nations”** means the intergovernmental organization established by the Charter of the United Nations on 26 June 1945;
- h. **“FAO”** means the Food and Agriculture Organization of the United Nations;
- i. **“Convention of 1946”** means the Convention on Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946;
- j. **“Convention of 1947”** means the Convention on Privileges and Immunities of the Specialized Agencies adopted by the United Nations Assembly on 21 November 1947 and its Annex II concerning FAO;
- k. **“Conventions”** means the Convention of 1946 and the Convention of 1947, both applicable to WFP;
- l. **“Executive Board”** means the Executive Board of WFP established by the United Nations and FAO to be responsible for providing intergovernmental support and specific policy direction and supervision of the activities of WFP;

- m. **“Executive Director”** means the Executive Director of WFP or any other official designated to act as such on his/her behalf;
- n. **“Representative”** means the WFP official representing the Executive Director in the Country or in case of her/his absence or unavailability, the official designated to act on her/his behalf;
- o. **“Officials of WFP”** means the Executive Director and all officials of WFP, with the exception of those officials recruited locally who are paid on the basis of hourly rates as provided for in the United Nations General Assembly Resolution 76 (I) of 7 December 1946 and FAO Conference Resolution 71/59;
- p. **“experts on mission”** means persons, other than Officials of WFP, who come within the scope of Article VI of the Convention of 1946 and Article 2(i) of Annex II to the Convention of 1947;
- q. **“members of the family forming part of the household”** means: (i) the spouse or partner of Officials of WFP; and (ii) children of Officials of WFP who are under the age of 18; and (iii) children of Officials of WFP under the age of 25 who are in full-time education and economically dependent; and (iv) children of Officials of WFP of any age who are dependent due to disability; and (v) secondary dependants living with Officials of WFP;
- r. **“Country Office”** means any location used by WFP in the Country to perform its official functions;
- s. **“property of WFP”** means all property, including funds, income and other assets, belonging to WFP or held or administered by WFP in furtherance of its constitutional functions;
- t. **“archives of WFP”** means all archives of WFP, including all records, correspondence, documents, manuscripts, computer records, data, still and motion pictures, films, and sound recordings, belonging to or held by WFP in furtherance of its constitutional functions;
- u. **“WFP Assisted Activities”** means any operational or project activity undertaken by WFP including but not limited to country programmes, development activities, development projects, emergency operations, protracted relief and recovery operations or special operations, whether implemented directly by WFP and/or by WFP through cooperating partners;
- v. **“WFP Activity Agreements”** means any agreement under which a WFP Assisted Activity is implemented, and includes but is not limited to, country programme agreements, operational contracts, plan of operations, letters of understanding and memorandums of understanding;

- w. **“vehicles”** means landside vehicles, including cars, motorcycles, trucks and railway wagons, that are owned, chartered, leased by, or provided to WFP for use in connection with WFP’s operations
- x. **“vessels”** means vehicles of transportation on waterways that are owned, chartered, leased by or provided to WFP for use in connection with WFP’s operations;
- y. **“aircraft”** means aircraft that are chartered or leased by, or provided to WFP, for use in connection with WFP’s operations;
- z. **“telecommunications”** means any emission, transmission or reception of written or verbal information, data, images, sound or information of any nature transmitted by wire, radio, satellite, optical fibre or any other electronic or electromagnetic means;
- aa. **“official of the Government”** means any person acting on behalf of the Government;
- bb. **“financial controls”** means administrative and legal measures imposed by a public authority to regulate the transfer of funds, currencies, or securities;
- cc. **“Nigeria”** means the Federal Republic of Nigeria;
- dd. **“Non-governmental organization”** means an entity that is neither affiliated with nor under the control of the Government, and which collaborates with WFP in respect of WFP Assisted Activities; and
- ee. **“waiver of immunity”** means the process referred to in Article II Section 2, Article V Section 20, and Article VI Section 23 of the Convention of 1946; Article III Section 4, Article VI Section 22, and Section 2 (iii) of the Second Revised Annex II of the Convention of 1947.

ARTICLE II

Juridical Personality and Legal Capacity

- I. The Government recognizes the juridical personality and legal capacity of WFP to:
 - a) contract;
 - b) acquire and dispose of movable and immovable property; and
 - c) be a party to legal proceedings.