

AN AGREEMENT

BETWEEN

THE UNITED NATIONS HIGH COMMISSIONER

FOR REFUGEES

AND

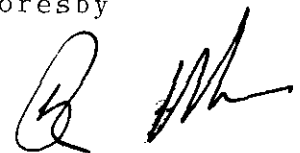
THE GOVERNMENT OF PAPUA NEW GUINEA

AN AGREEMENT between the UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES and the GOVERNMENT OF PAPUA NEW GUINEA regarding the Office of the UNHCR Representative for PAPUA NEW GUINEA

CONSIDERING that the United Nations High Commissioner for Refugees (hereinafter referred to as the "High Commissioner" or alternatively "UNHCR") has established an office of the UNHCR Liaison Office for PAPUA NEW GUINEA (hereinafter referred to as the "UNHCR Liaison Office") in Port Moresby and that the Government of PAPUA NEW GUINEA (hereinafter referred to as "the Government") welcomes the establishment of a UNHCR Branch Office and undertakes to assist UNHCR in securing all the necessary facilities for its functioning;

CONSIDERING that the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946 (hereinafter referred to as the "General Convention"), to which PAPUA NEW GUINEA is a party, is applicable to the UNHCR, a subsidiary organ of the General Assembly of the United Nations established pursuant to Article 22 of the Charter of the United Nations and hence an integral part of the United Nations;

CONSIDERING that it is desirable to conclude an agreement complementary to the Convention arising as a result of the establishment of the UNHCR Branch Office at Port Moresby



Have agreed as follows:

Article I
F U N C T I O N S

Section 1

The UNHCR Branch Office will exercise functions assigned to it by the High Commissioner in relation to his activities in the region.

Article II
STATUS OF THE UNHCR BRANCH OFFICE

Section 1

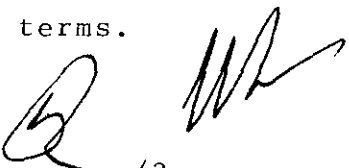
The premises of the UNHCR Branch Office and the residences of the Representative and his Deputy shall be inviolable.

Section 2

The appropriate PAPUA NEW GUINEA authorities shall exercise due diligence to ensure the security and protection of the premises of the UNHCR Branch Office and of the UNHCR staff.

Section 3

The appropriate PAPUA NEW GUINEA authorities shall exercise their respective powers to ensure that the UNHCR Branch Office shall be supplied with the necessary public services, and that such public services shall be supplied on equitable terms.


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Article III
OFFICIALS OF THE UNHCR

Section 1

Officials of the UNHCR, except those who are locally recruited and assigned to hourly rates, shall enjoy within and with respect to the following privileges and immunities;

(a) Immunity from legal process of any kind in respect of words spoken or written, and of acts performed by them in their official capacity; such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the UNHCR;

(b) Immunity from seizure of their personal and official baggage;

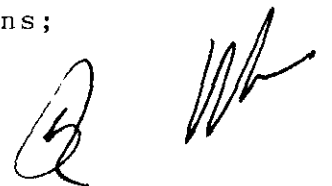
(c) Immunity from inspection of official baggage;

(d) Exemption from taxation in respect of the salaries, emoluments, indemnities and pensions paid to them by the UNHCR for services past or present or in connection with their service with the UNHCR;

(e) Exemption from any form of taxation on income derived by them from sources outside;

(f) Exemption, with respect to themselves, their spouses, their dependent relatives and other members of their households from immigration restrictions and alien registration;

(g) Immunity from national service obligations;

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(h) The same privileges in respect of exchange facilities as are accorded to officials of comparable ranks forming part of diplomatic missions. In particular, UNHCR officials, other than PAPUA NEW GUINEA nationals and permanent foreign residents of PAPUA NEW GUINEA shall have the right, at the termination of their assignment to PAPUA NEW GUINEA to take out of PAPUA NEW GUINEA through authorized channels without prohibition or restriction, their funds in the same currency and up to the same amounts as they had brought into PAPUA NEW GUINEA as well as any other funds for the lawful possession of which they can show good cause;

(i) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to diplomatic envoys; and

(j) the right to import for personal use, free of duty and other levies, prohibitions and restrictions on imports within six months from the date of arrival in PAPUA NEW GUINEA:-

(i) Their furniture and effects in one or more separate shipments, including motor vehicles;

(ii) Limited quantities of certain articles for personal use or consumption and not for gift or sale.



In addition to the privileges and immunities specified in Section 1 Article III above, the Representative of the High Commissioner and his Deputy shall enjoy, in respect to themselves, their spouses, their dependent relatives and other members of their households, the privileges and immunities, exemptions and facilities normally accorded to diplomatic envoys of comparable rank. These include the right to import for personal use, free of duty and other levies, prohibitions and restrictions on imports;

(i) Their furniture and effects in one or separate shipments, and thereafter to import necessary additions to the same, including motor vehicles;

(ii) Limited quantities of certain articles for personal use or consumption and not for gift or sale.

They shall for this purpose be incorporated by the PAPUA NEW GUINEA Ministry of Foreign Affairs into the Diplomatic List.

Section 3

The privileges and immunities for which provision is made in this Agreement are granted solely for the purposes of carrying out effectively the aims and objectives of the UNHCR Branch Office. The High Commissioner may waive the immunity of any staff member whenever in his opinion such immunity would impede the course of justice and can be waived without prejudice to the interests of his Office.

Section 4

Without prejudice to the privileges and immunities accorded by this Agreement, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of PAPUA NEW GUINEA.

Article IV
GENERAL PROVISIONS

Section 1

The provisions of this Agreement shall be complementary to the provisions of the General Convention. Insofar as any provision of this Agreement and any provision of the General Convention relate to the same subject matter, the two provisions shall, where possible, be treated as complementary, so that both provisions shall be applicable and neither shall narrow the effect of the other.

Section 2

This Agreement shall be construed in the light of its primary purpose of enabling the UNHCR Branch Office in Port Moresby fully and efficiently to discharge its responsibilities and fulfil its purposes.

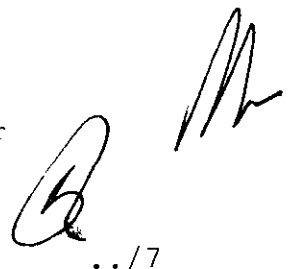
Section 3

Consultations with respect to modifications of this Agreement shall be entered into at the request of either party. Any such modifications shall be by mutual consent.

Section 4

This Agreement shall cease to be in force:

(i) by mutual consent of both parties; or

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(ii) if the UNHCR Branch Office is removed from the territory of PAPUA NEW GUINEA except for such provisions as may be applicable in connection with the orderly termination of the operations of the UNHCR in PAPUA NEW GUINEA and the disposal of its property therein.

Section 5

This Agreement shall enter into force from the date of its signature by both parties.

FOR

THE GOVERNMENT OF
PAPUA NEW GUINEA

FOR

THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Signature.....

Name.....

Title.....

Date.....

Place.....

W. D. DITTM
WILLIAM DITTM
SECRETARY FOR FOREIGN AFFAIRS
24/9/86
PT Moresby



Signature.....

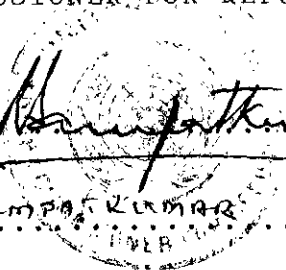
Name.....

Title.....

Date.....

Place.....

R. Sampat Kumar
R. Sampat Kumar
DEPUTY HEAD OF BUREAU



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