

**CO-OPERATION AGREEMENT  
BETWEEN  
THE UNITED NATIONS  
HIGH COMMISSIONER FOR REFUGEES  
AND  
THE REPUBLIC OF CROATIA**

**UGOVOR O SURADNJI  
IZMEDU VLADE  
REPUBLIKE HRVATSKE I  
VISOKOG POVJERENIKA UJEDINJENIH  
NARODA ZA IZBEJEGLICE**



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**Co-operation Agreement Between the United Nations  
High Commissioner for Refugees and  
the Government of the Republic of Croatia**

**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,

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, 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 solutions 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,

WHEREAS the Government of the Republic of Croatia and the Office of the United Nations High Commissioner for Refugees wish to establish the terms and conditions under which the Office, within its mandate, shall be represented in the Republic of Croatia,

NOW THEREFORE, the Government of the Republic of Croatia and the United Nations High Commissioner for Refugees, in a spirit of friendly co-operation, have entered into the following Agreement.

## ARTICLE

### 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 his or her behalf;
- (c) "Government " means the Government of the Republic of Croatia;  
"Host Country " or "Country " means the Republic of Croatia;
- (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;  
"UNHCR Office" means all the offices and premises, installations and facilities occupied or maintained by UNHCR in the Republic of Croatia;  
"UNHCR Representative " means the UNHCR official in charge of the UNHCR office in the Republic of Croatia;
- (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);
- (j) "Experts on mission" means individuals, other than UNHCR officials or persons performing services on behalf of UNHCR or undertaking missions for UNHCR, as defined in Article VI of the Convention;
- (k) "Persons performing services on behalf of UNHCR" means natural and juridical persons and their employees, other than nationals or permanent residents of the Republic of Croatia, retained by UNHCR to execute or assist in carrying out of its programmes;
- (I) "UNHCR personnel" means UNHCR officials, experts on mission and persons performing services on behalf of UNHCR.

## ARTICLE II

### PURPOSE OF THE AGREEMENT

The present Agreement embodies the basic conditions under which UNHCR shall, within its mandate, co-operate with the Government of the Republic of Croatia, open offices in the Republic of Croatia, and carry out its international protection and humanitarian assistance functions in favour of refugees and other persons of its concern in the Republic of Croatia.

## 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 to UNHCR shall be carried out on the basis of the Statute of UNHCR, other relevant Decisions and Resolutions relating to UNHCR adopted by United Nations organs and 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 maintain consultation 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 of other assistance for refugees and other persons of concern to UNHCR, 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 its concern and to the sites of UNHCR projects in order to monitor all phases of their implementation in the Republic of Croatia.

## ARTICLE IV

### UNHCR OFFICES

1. The Government welcomes the establishment and maintenance of UNHCR offices in the Republic of Croatia 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 Republic of Croatia 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 shall exercise functions as assigned by the High Commissioner, in relation to his or her mandate for refugees and other persons of his or her concern, including the establishment and maintenance of relations between UNHCR and other governmental or non-governmental organizations functioning in the Republic of Croatia.
4. In the case that UNHCR does not maintain an UNHCR office in the Republic of Croatia, it may, with the explicit approval of the Government, provide support for programmes of co-operation agreed to between the Government and UNHCR under the present Agreement, through an UNHCR Regional/Area office established in another country.

## ARTICLE V

### UNHCR PERSONNEL

1. UNHCR may assign to the UNHCR offices in the Republic of Croatia such officials or other personnel and in such numbers, 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 Republic of Croatia.
3. UNHCR may designate officials to visit the Republic of Croatia 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 Republic of Croatia. Such measures shall include the authorization to operate, free of licence fees, UNHCR radio and other telecommunications equipment; the granting of air traffic rights and the exemption from aircraft landing fees (not including payment for airport services such as for personnel employed by the Government of Croatia to assist in refuelling of the aircraft or to perform maintenance work on the same) and royalties for emergency relief cargo flights, transportation of refugees and other persons of its concern, 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.

3. The office premises as well as the cost of public utility services and facilities for UNHCR office shall be covered by UNHCR. The Government, in agreement with UNHCR, may provide funds up to a mutually agreed amount, to cover the cost for such premises, when the possibilities to this effect will be created.

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

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

6. Financial contributions by the Government to UNHCR activities in the Republic of Croatia 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 to which Croatia became a Party by succession on 8 October 1991. The Government may also grant to UNHCR and its personnel, at the request of the UNHCR, 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 provided in Articles VIII to XVI of this Agreement.

## ARTICLE VIII

### UNHCR OFFICES, PROPERTY, FUNDS, AND ASSETS

1. UNHCR, its property, funds, and assets, wherever located and by whomsoever held, shall be immune from every form of legal process, except insofar as in any particular case it has expressly waived its immunity; it being understood that this waiver shall not extend to any measure of execution.

2. The premises of UNHCR offices shall be inviolable. The property, funds and assets of UNHCR, wherever situated and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.



3. The archives of UNHCR, and in general all documents belonging to or held by it, shall be inviolable.

4. The funds, assets, income and other property of UNHCR shall be exempt from:

- a) Any form of direct taxation, provided that UNHCR shall not claim exemption from charges for public utility services;
- b) Customs duties and commercial prohibitions and restrictions on articles imported or exported by UNHCR for its official use, provided that articles imported under such exemption shall not be sold in the Republic of Croatia except under conditions agreed upon with the Government;
- c) Customs duties and commercial prohibitions and restrictions in respect of the import and export of its publications.

5. Any materials imported or exported by UNHCR, by national or international bodies duly accredited by UNHCR to act on its behalf in connection with humanitarian assistance, as currently covered under the national laws of Croatia, and intended for refugees and other persons of its concern, shall be exempt from all customs duties, taxes, fees and commercial prohibitions and restrictions. The Government of Croatia may, at any time, request the UNHCR to justify that the materials so imported or exported are indeed meant for humanitarian assistance purposes.

6. No direct taxes, value added taxes, fees, or duties shall be levied on the supplies, equipment and other materials intended for UNHCR's humanitarian assistance in favour of refugees and other persons of its concern, or for UNHCR's official use.

7. UNHCR shall not be subject to any financial controls, regulations or moratoria and may freely:

- a) Acquire from authorized commercial agencies, hold and use negotiable currencies, maintain foreign-currency accounts, and acquire through authorized institutions, hold and use funds, and securities;
- b) Bring funds, securities, and foreign currencies into the Republic of Croatia from any other country, use them in the Republic of Croatia or transfer them to other countries.

8. UNHCR shall, in exercising its rights under paragraph 7, pay due regard to any representation made by the Government in so far as effect can be given to such representation without detriment to the interests of the UNHCR.

## ARTICLE IX

### COMMUNICATION FACILITIES

1. UNHCR shall enjoy, in respect of its official communications, treatment not less favourable than that accorded by the Government to any other government including its diplomatic missions or to other intergovernmental and international organizations in matter of priorities, tariffs and charges on mail, cablegrams, telephotos, telegraph, telex, facsimile and other communications, as well as rates for information to the press and radio.
2. The Government shall respect the inviolability of the official communications and correspondence of UNHCR and UNHCR officials and shall not apply any censorship to its communications and correspondence. Such inviolability, without limitation by reason of this enumeration, shall extend to publications, photographs, slides, films, and sound and computerized recordings.
3. UNHCR shall have the right to use codes and to dispatch and receive correspondence and other materials by courier or in sealed bags which shall have the same privileges and immunities as diplomatic couriers and bags.
4. UNHCR shall have the right to operate radio and other telecommunications equipment, on registered frequencies of the United Nations, and those allocated by the Government, between its offices, within and outside the Republic of Croatia, and in particular with UNHCR Headquarters in Geneva.

## ARTICLE X

### UNHCR OFFICIALS

1. The UNHCR Representative, Deputy Representative, and other senior officials as may be agreed between UNHCR and the Government, shall enjoy, while in the Republic of Croatia, in respect of themselves, their spouses and dependant relatives the privileges and immunities, exemptions and facilities normally accorded to diplomatic agents. For this purpose the Ministry of Foreign Affairs of the Republic of Croatia shall include their names in the Diplomatic List and issue corresponding identity documents.
2. UNHCR officials, while in the Republic of Croatia shall enjoy the following facilities, privileges and immunities:
  - a) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

- b) Immunity from inspection and seizure of their official baggage;
- c) Immunity from any military service obligations or any other obligatory service;
- d) Exemption, with respect to themselves, their spouses, their relatives dependent on them and other members of their households from immigration restriction and alien registration;
- e) Exemption from taxation in respect of the salaries and all other remuneration paid to them by UNHCR;
- f) Exemption from any form of taxation on income derived by them from sources outside the Republic of Croatia;
- g) Prompt clearance and issuance, without cost of visas, licences or permits, if required, and free movement within, to or from the Republic of Croatia to the extent necessary for the carrying out of UNHCR international protection and humanitarian assistance programmes;
- h) Freedom to hold or maintain within the Republic of Croatia, foreign exchange, foreign currency accounts and movable property and the right upon termination of employment with UNHCR to take out of the Republic of Croatia their 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 and relatives dependent on them and other members of their households as are accorded in time of international crisis to diplomatic envoys;
- j) The right to import for personal use, free of duty and other levies, prohibitions and restrictions on imports:
  - i) Their furniture and personal effects in one or more separate shipments and thereafter to import necessary additions to the same, including motor vehicles, according to the regulations applicable in the Republic of Croatia to diplomatic representatives accredited in the Republic ) of Croatia and/or resident members of international organizations;
  - ii) Reasonable quantities of certain articles for personal use or consumption and not for gift or sale.

3. UNHCR officials who are nationals of or permanent residents of the Republic of Croatia shall enjoy only those privileges and immunities provided for in the Convention including exemption from all taxation on their salaries and allowances paid to them by UNHCR.

4. The Government and UNHCR agree that those locally recruited members of its staff who do not participate in the UN Pension Fund or in the

UN Health Insurance Scheme may participate in the Croatian Pension or Social Insurance Scheme respectively. Those locally recruited staff members who do participate in the UN schemes (earlier mentioned), in addition to such participation, may, if they so wish, also participate in the Croatian Schemes detailed above.

## ARTICLE XI

### LOCALLY RECRUITED PERSONNEL ASSIGNED TO HOURLY RATES

The terms and conditions of employment for locally recruited personnel assigned to hourly rates shall be in accordance with the relevant United Nations Resolutions, Regulations and Rules.

## ARTICLE XII

### EXPERTS ON MISSION

Experts performing missions for UNHCR shall be accorded such facilities, privileges and immunities as are necessary for the independent exercise of their functions. In particular they shall be accorded:

- a) Immunity from personal arrest or detention;
- b) Immunity from legal process of every kind in respect of words spoken or written and acts done by them in the course of the performance of their mission. This immunity in respect to such words shall continue to be accorded notwithstanding that they are no longer employed on mission for UNHCR;
- c) Inviolability for all papers and documents;
- d) For the purpose of their official communications, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

- f) The same immunities and facilities including immunity from inspection and seizure in respect of their personal baggage as are accorded to diplomatic envoys.

## ARTICLE XIII

### PERSONS PERFORMING SERVICES ON BEHALF OF UNHCR

Except as the Parties may otherwise agree, the Government shall grant to all persons performing services on behalf of UNHCR, other than nationals or permanent residents of the Republic of Croatia employed locally, the privileges and immunities specified in Article V Section 18, of the Convention. In addition, they shall be granted:

- a) Prompt clearance and issuance, without cost, of visas, licences or permits necessary for the effective exercise of their functions;
- b) Free movement within, to or from the Republic of Croatia, to the extent necessary for the implementation of the UNHCR humanitarian programmes.

## ARTICLE XIV

### NOTIFICATIONS

1. UNHCR shall notify the Government of the names of UNHCR officials, experts on mission and other persons performing services on behalf of UNHCR, and of changes in the status of such individuals. The Government of Croatia, upon receipt of such notification, shall issue an identity document to the officials and experts concerned, certifying their status under this Agreement.

2. UNHCR officials, experts on mission and other persons performing services on behalf of UNHCR shall be provided with a UNHCR identity card.

## ARTICLE XV

### WAIVER OF IMMUNITY

Privileges and immunities are granted to UNHCR personnel in the interests of the United Nations and UNHCR and not for the personal benefit of the individuals concerned. The Secretary-General of the United Nations shall have the right and duty to waive the immunity of any UNHCR personnel in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations and UNHCR.

## ARTICLE XVI

### SETTLEMENT OF DISPUTES

1. UNHCR shall make provisions for appropriate modes of settlement of disputes arising out of contracts or other disputes of private law character to which UNHCR is a party and disputes involving any official of the UNHCR who by reason of his or her official position enjoys immunity which has not been waived by the Secretary-General.

2. Any dispute between UNHCR and the Government arising out of or relating to this Agreement shall be settled amicably by negotiation or through other agreed modes of settlement. In the case of failure, such dispute shall be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator, and the arbitrators so appointed shall appoint a third, who shall be a chairman. If within thirty days of the request for arbitration either Party has not appointed an arbitrator or if within, fifteen days of the appointment of two arbitrators a Chairman has not been appointed, either Party may request the President of the International Court of Justice to appoint an arbitrator. All decisions of the arbitrators shall require a vote of two of them. The procedure of the arbitration shall be fixed by the arbitrators, and the expenses of the arbitration shall be borne by the Parties as assessed by the arbitrators. The arbitral award shall contain a statement of the reason on which it is based and shall be accepted by the Parties as the final adjudication of the dispute.

## **ARTICLE XVII**

### **INTERPRETATION**

1. This Agreement shall be interpreted in light of its primary purpose, which is to enable UNHCR to carry out its international mandate for refugees and other persons of its concern fully and efficiently and to attain its humanitarian objectives in the Republic of Croatia.

2. Any relevant matter for which no provision is made in this Agreement and, which is not covered by the 1946 International Convention on the Privileges and Immunities of the United Nations, shall be settled by the Parties in keeping with the relevant Resolutions and Decisions of the appropriate organs of the United Nations. Each Party shall give full sympathetic consideration to any proposal advanced by the other Party under this paragraph.

## **ARTICLE XVIII**

### **AMENDMENTS**

Consultations with a view to amend this Agreement may be held at the request of the Government. Amendments shall be made by joint written agreement of the Parties and shall take effect in the manner and on the date provided for in Article XIX herein.

## **ARTICLE XIX**

### **ENTRY INTO FORCE AND TERMINATION**

1. This Agreement shall be provisionally applied between the Parties from the date of its signature. It shall, however, enter into force on the date on which the Government of Croatia informs the UNHCR of the fulfillment of all the necessary conditions for its entry into force. This Agreement shall remain in force until terminated under paragraph 2 of this Article.

2. This Agreement shall be considered as terminated six months after either of the Parties gives a written notice through diplomatic channels to the other Party of its decision to terminate the Agreement, except as regards the

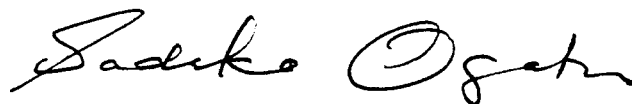
normal cessation of the activities of UNHCR in the Republic of Croatia and the disposal of its property in the Republic of Croatia.

IN WITNESS WHEREOF, the undersigned, being duly appointed representatives of the Government and the United Nations High Commissioner for Refugees, respectively, have on behalf of the Parties signed the present Agreement.

Done in Zagreb, this 17 March 2000 in two originals, each in the Croatian and English languages both texts being equally authentic. In the case of divergences in interpretation the English language shall prevail.



For the Government of the  
Republic of Croatia



The United Nations  
High Commissioner for Refugees