

**Cooperation Agreement  
between the Government of the Republic of Kazakhstan and  
the Office of the United Nations High Commissioner for Refugees**

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 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 problems 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;

Whereas the Statute of the Office of the United Nations High Commissioner for Refugees provides in its Article 16 that the High Commissioner shall consult the governments of the countries of residence of refugees as to the need for appointing representatives therein and that in any country recognizing such need, there may be appointed a representative approved by the government of that country;

Whereas the Agreement between the Government of the Republic of Kazakhstan and the United Nations, regulating the status, privileges and immunities of the United Nations in the Republic of Kazakhstan's on the basis of the Convention on the Privileges and Immunities of the United Nations, has been concluded on 5th October 1992, and applicable to the United Nations High Commissioner for Refugees as part of the United Nations system;

Whereas the Government of the Republic of Kazakhstan 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 country;

NOW THEREFORE, the Government of the Republic of Kazakhstan and the Office of the United Nations High Commissioner for Refugees in spirit of friendly co-operation, have agreed as follows:

**ARTICLE I  
Definitions**

For the purpose 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 (her) behalf;
- c) «Government» means the Government of the Republic of Kazakhstan;
- d) «Host Country» or «country» means the Republic of Kazakhstan;
- e) «Parties» means the Government and UNHCR;
- f) «General Convention» means the Convention on the Privileges and immunities of the United Nations of 13 February 1946;
- g) «UNHCR Office» means all 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 host 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);
- 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 its programmes;
- l) «UNHCR personnel» means UNHCR officials, experts on mission and persons performing services on behalf of UNHCR.

**Article II**  
**Purpose of the Agreement**

This Agreement embodies the basic conditions under which UNHCR shall, within its mandate, co-operate with the Government and open its 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**  
**Cooperation between the Government  
of the Republic of Kazakhstan 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, of other relevant decisions and resolutions relating to UNHCR adopted by the United Nations organs and of article 35 of the Convention relating to the Status of Refugees of 28 July 1951 and Article 2 of the Protocol relating to the Status of Refugees of 4 October 1967.

2. The UNHCR office shall maintain consultations and co-operation with the Government with respect to the preparation and review of projects for refugees and other persons of concern.

3. For any UNHCR-funded projects to be implemented by the Government, the terms and conditions including commitment of the Government and the High Commissioner with respect to the furnishing of funds, supplies, and the 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.

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

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 and 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 number and categories 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 the corresponding officials of the Government of 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 problems of refugees;

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 providing for communication facilities in accordance with Article IX of this Agreement, the granting of air traffic rights and the exemption from aircraft landing fees and fees charged according to the tax legislation of the Republic of Kazakhstan, for emergency relief cargo flights, transportation of refugees and/or UNHCR personnel.

2. The Government, in agreement with UNHCR shall assist the UNHCR officials in finding appropriate office premises.

3. The Government shall ensure that the UNHCR office is at all times supplied with necessary public services, and that such public services are rendered on equitable terms.

4. The Government shall take the necessary measures, when requested by UNHCR, to ensure the security and protection of the premises of UNHCR office and its personnel.

## **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 General Convention of 13 February 1946. The Government grants in accordance with the provisions of this Agreement to UNHCR and its personnel such additional privileges and immunities as may be necessary for the effective exercise of the international protection and humanitarian assistance functions of the 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 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 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 office 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 will not claim exemption from charges for public utility services;

b) customs duties and prohibitions and restrictions on articles imported or exported by UNHCR for its official use, provided that articles imported under such exemption will not be sold in the country except under conditions agreed upon with the Government;

c) customs duties and prohibitions and restrictions in respect of the import and export of its publications.

5. While UNHCR will not, as a general rule, claim exemption from excise duties and taxes (such as Value Added Tax), which constitute a part of the cost of movable and immovable property which form part of the price to be paid, nevertheless when UNHCR is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the Government will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

6. Any materials imported and exported by UNHCR or by national or international bodies, which are duly accredited by UNHCR to act on its behalf in connection with humanitarian assistance to refugees and which make these purchases with UNHCR funds, shall be exempt from all customs duties, prohibitions and restrictions.

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, securities, and gold;

b) bring funds, securities, foreign currencies and gold into the host country from any other country, use them within the host country or transfer them to other countries.

8. UNHCR shall enjoy the most favourable legal rate of exchange.

## **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 international

organizations in matter of priorities, tariffs and charges on mail, cablegrams, telephotos, telephone, telegraph, telex and other communications, as well as rates for information to the press and radio.

2. The Government shall secure the inviolability of the official communications and correspondence of UNHCR 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 sounds 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. The Government shall ensure that UNHCR be enabled to effectively operate its radio and other telecommunications equipment including satellite communications systems, on networks using the frequencies allocated by or coordinated with the competent national authorities under the applicable International Telecommunication Union's regulations and norms currently in force.

## **Article X UNHCR Officials**

1. The UNHCR Representative and Deputy Representative, and other senior officials shall enjoy, on the basis of the present Agreement, while in the country, in respect of themselves, their spouses and dependent relatives, the privileges, immunities, exemptions and facilities normally accorded to diplomatic envoys in accordance with international law. For this purpose, the Ministry of Foreign Affairs of the country shall include their names in the Diplomatic List.

2. UNHCR officials, while in the country, shall enjoy the facilities, privileges and immunities accorded to them under the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, and as stipulated in the Agreement between the Government of the Republic of Kazakhstan and the United Nations dated 5th October 1992.

3. In addition, UNHCR officials while in the country shall enjoy the following facilities, privileges and immunities;

- a) immunity from personal arrest and detention;
- b) immunity from inspection and seizure of their official baggage;
- c) freedom to hold or maintain with the country, foreign exchange, foreign currency accounts and movable property and the right upon termination of employment with UNHCR to take out of the host country their funds for the lawful possession of which they can show good cause.

## **Article XI Locally recruited personnel**

1. Persons recruited locally and assigned to hourly rates to perform services for UNHCR shall enjoy immunity from legal process in respect of words spoken or written and any acts performed by them, with the exception of cases stipulated by the national legislation of the Republic of Kazakhstan.

2. The terms and conditions of employment for locally recruited personnel shall be in accordance with the relevant United Nations resolutions, Regulations and Rules.

## **Article XII Experts on mission**

1. Experts performing mission 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 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 shall continue to be accorded notwithstanding that they are no longer employed on missions 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 and 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**

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

a) prompt clearance and issuance, without cost, of visas or permits necessary for the effective exercise of their functions;

b) free movement within and to or from the country, to the extent necessary for the implementation of the UNHCR humanitarian programmes.

**Article XIV**  
**Notification**

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.

2. UNHCR officials, experts on mission and other persons performing services on behalf of UNHCR shall be provided with special identity cards, issued by the Ministry of Foreign Affairs of the Republic of Kazakhstan, certifying their status under this Agreement.

**Article XV**  
**Crimes against UNHCR personnel**

1. The following acts shall be established as crimes under the national legislation of the Republic of Kazakhstan, and made punishable by appropriate penalties taking into account their grave nature:

a) a murder, kidnapping or other attack upon the person or liberty of any UNHCR personnel;

b) a violent attack upon the official premises, the private accommodation or the means of transportation of any UNHCR personnel likely to endanger his or her liberty;

c) a threat to commit any violent attack with the objective of compelling a physical or juridical person to do or to refrain from doing any act;

d) an attempt to commit any such attack;

e) an act constituting participation as a accomplice in any such attack, or in an attempt to commit such attack, or in organizing or ordering others to commit such attack.

2. The national jurisdiction over the crimes set out in paragraph 1 of this article is exercised, when the crime was committed in the territory of the Republic of Kazakhstan and the alleged offender, other than a member of UNHCR personnel, is present in its territory, unless it has extradited such person to the State of nationality of the offender, the State of his habitual residence if he is a stateless person, or the State of nationality of the victim.

**Article XVI**  
**Waiver of immunity**

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

**Article XVII**  
**Settlement of disputes**

Any dispute between the Government and UNHCR relating to interpretation and application of this Agreement or any other additional Agreement, and which had not been negotiated or settled in any other way, shall be subject to arbitration at the request of either Party. Each Party shall appoint one arbitrator, and the two 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 the third arbitrator has not been appointed, either Party may request the President of 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 reasons on which it is based and shall be accepted as the final adjudication of the dispute.

**Article XVIII**  
**General Provisions**

1. The present Agreement shall enter into force upon receipt by UNHCR of a written notification from the Government of the execution of the internal procedures required for its entering into force.

2. The present Agreement shall remain in force six months after receipt by either Party through diplomatic channels of a written notification from the other Party of its intention to terminate the Agreement.

3. The present Agreement shall be interpreted in light of its primary purpose, which is to enable UNHCR to carry out its international mandate for refugees fully and efficiently and to attain its humanitarian objectives in the country.

4. Amendments to the present Agreement shall be made upon mutual agreement of the Parties, by separate protocols, and will become integral parts of the present Agreement.

Done at Astana on this day 14 of November 2007 in two original copies, each in Kazak, Russian and English language, all texts being equally authentic. In case of conflict for the purposes of interpretation of the present Agreement, Parties will refer to the English text.

**For the Government**  
**of the Republic of Kazakhstan**

**For the Office of the United Nations**  
**High Commissioner for Refugees**