

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LIBERIA AND
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 2 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 as defined in relevant international and regional refugee instruments and of seeking permanent solutions for the problem of refugees by assisting governments concerned and private efforts to facilitate the voluntary repatriation of the 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 Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946,

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

NOW THEREFORE, the Office of the United Nations High Commissioner for Refugees and the Government of the Republic of Liberia, in a spirit of friendly cooperation, have entered into this Agreement.

ARTICLE I

DEFINITIONS

For purposes of this Agreement,

"UNHCR" means the Office of the United Nations High Commissioner for Refugees;

"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;

KU "Government" means the Government of the Republic of Liberia; *AP*

"Host Country" or "country" means the Republic of Liberia;

"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 held or maintained by UNHCR or in which UNHCR has interest, in the country;

"UNHCR Representative" means the UNHCR official in charge of the UNHCR office in the country;

"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);

"Experts on mission" or "Consultants" means individuals, other than UNHCR officials or persons performing services on behalf of UNHCR, undertaking missions for UNHCR;

"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 of its programmes;

"UNHCR personnel" means UNHCR officials, experts on mission, consultants and persons performing services on behalf of UNHCR;

"Non-Governmental Organization or NGO" means a non-governmental organization whether international, foreign or local to the country.

ARTICLE II

PURPOSE OF THIS AGREEMENT

This Agreement embodies the basic conditions under which UNHCR shall, within its mandate, cooperate with the Government, open offices 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 AND UNHCR

1. Cooperation between the Government and UNHCR in the field of international protection of and humanitarian assistance to refugees and other persons of concern to UNHCR shall be carried out on the basis of the Statute of the UNHCR, of other relevant decisions and resolutions relating to UNHCR adopted by United Nations organs and of article 35 of the United Nations Convention Relating to the Status of Refugees of 1951; Article 2 of the Protocol Relating to the Status of Refugees of 1967 and Article VII of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.
2. The UNHCR office shall maintain general consultations and cooperation with the Government with respect to its activities in the country. The Government shall facilitate that cooperation.
3. For any UNHCR-funded projects to be implemented by the Government or a Governmental Organization or a Non-Governmental Organization (NGO), the terms and conditions including the commitment of the Government, and/or the NGO concerned; and the High Commissioner, with respect to the furnishing of funds, supplies, equipment and services or other assistance for refugees shall be set forth in project agreements to be signed by the Government, the Governmental Organizations, the NGO concerned, or whatever the case may be and UNHCR.
4. The Government and or the NGO, which ever is applicable, 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 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. For the purpose of a more effective discharge of its responsibilities, UNHCR may, whenever necessary, establish Sub-Offices and Field Offices any where in the Country.
3. UNHCR may also designate the UNHCR office in the country to serve as a regional or Area Office for West Africa or beyond as may be decided upon by UNHCR.
4. The UNHCR office will exercise functions as assigned by the High Commissioner, in relation to his/her mandate for refugees and other persons of his/her concern, including

the establishment and maintenance of relations between UNHCR and other governmental or 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. UNHCR may designate officials to visit the country for purpose of consulting and cooperating 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 (d) any other matters relating to the application of this agreement or any other such matters as the High Commissioner may deem to require his/her attention.

ARTICLE VI

FACILITIES FOR IMPLEMENTATION OF UNHCR HUMANITARIAN PROGRAMMES

1. The Government, shall take every measure 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 facilities as may be necessary for the speedy and efficient execution of UNHCR programmes in the country. such measures shall include, but not be limited to, the authorization to operate, free of license fees, UNHCR radio and other telecommunications equipment; the granting of air traffic rights and the exemption from aircraft landing fees and royalties for emergency relief cargo flights, transportation of refugees and/or UNHCR personnel.
2. Where necessary, the Government shall assist the UNHCR officials in finding appropriate office premises, and where applicable may put them at the disposal of UNHCR free of charge or at a nominal rent.
3. The Government shall ensure that the UNHCR office is at all times supplied with the necessary public services, and that such public services are supplied on equitable terms and in any case where payment is required, not at a cost exceeding what is normally chargeable to diplomatic missions and United Nations Agencies accredited to the Country, provided such payment shall be in the currency in which such services are normally paid for.

by the said diplomatic missions and United Nations Agencies.

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

5. Where requested, the Government shall facilitate the location of suitable housing accommodation for UNHCR personnel recruited internationally at UNHCR's expense.

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 is a party. The Government also agrees to grant 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 UNHCR and in any case, shall not grant to them a status less than that applicable to persons holding diplomatic status in the country, including the immunity and privileges concomitant thereto. The immunity shall also be applicable retrospectively to any acts done, words spoken or written prior to the signing of this agreement.

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 article VIII to XV of this Agreement.

ARTICLE VIII

UNHCR OFFICE, PROPERTY, FUNDS AND ASSETS

1. UNHCR, its officials, 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 and official residences of its officials shall be inviolable. The property, vehicles, 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 or indirect taxation, provided that UNHCR will not claim exemption from charges for public utility services; which the Government may opt to render to UNHCR free of charge as part of its contribution to UNHCR or as the case may be;
 - (b) Customs duties and prohibitions and restrictions on articles imported or exported by UNHCR for its officials use or by its officials for personal use while on assignment in the country;
 - (c) Customs duties and 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 for refugees or other persons of its concern, shall be exempt from all customs duties and prohibitions and restrictions.
6. 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.
7. 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 intergovernmental, international organizations in matter of priorities, tariffs and charges on mail, cablegrams telephotos, telephone, facsimile, 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 sound recordings or any other material

whatever the form or its generic constitution

3. UNHCR shall have the right to use codes and to despatch 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 between its offices, mobile locations within and outside the country, and with UNHCR Headquarters in Geneva and other locations as the case may be.

ARTICLE X

UNHCR OFFICIALS

1. The UNHCR Representative, his or her Deputy and other officials, visiting or normally based in the country, shall enjoy in respect of themselves, their spouses and dependent relatives the privileges and immunities, exemptions and facilities normally accorded to diplomatic envoys. For this purpose the Ministry of Foreign Affairs shall include their names in the Diplomatic List.

2. Subject to the provisions of Section 1 of this Article, UNHCR officials, while in the country, shall enjoy the following additional 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. This immunity shall, in respect of those acts, words spoken or written, continue to be accorded notwithstanding that the persons concerned are no longer employed by UNHCR;

(b) Immunity from inspection and seizure of their private and official baggages;

(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 country;

(g) Prompt clearance and issuance, without cost, of visas, licenses or permits, if required and free movement within the country, to or from the country to the extent,

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necessary for the carrying out of UNHCR international protection and humanitarian assistance programmes;

(h) Freedom to hold or maintain within 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;

(i) The same protection and repatriation facilities with respect to themselves, their spouses and relatives dependent on them and other member of this 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 country to diplomatic representatives accredited in the country;

(ii) reasonable quantities of articles for personal use or consumption.

(e) The same facilities in respect of currency of 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 XI

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 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, licenses or permits necessary for the effective exercise of their functions;

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

ARTICLE XII

NOTIFICATION

1. UNHCR shall to the extent possible notify the Government of the name 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 a special identity card certifying their status under this Agreement. In any case the identity card shall not be different from the one issued to diplomatic representatives accredited to the country.

ARTICLE XIII

WAIVER OF IMMUNITY

Privileges and immunities are granted to UNHCR personnel in the interests of the United Nations and UNHCR. Only the Secretary-General of the United Nations may waive the immunity of UNHCR personnel, provided the Secretary-General has received a written explanation from the personnel concerned, to show cause why the immunity should not be waived.

ARTICLE XIV

SETTLEMENT OF DISPUTES

Any dispute between UNHCR and the Government arising out of or relating to this Agreement shall be settled amicably by negotiation or other agreed mode of settlement, failing which such dispute shall be submitted 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 the 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 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 reasons on which it is based and shall be accepted by the Parties as the final adjudication of the dispute.



ARTICLE XV


GENERAL PROVISIONS

1. This Agreement shall enter into force on the date of its signature by both Parties and shall continue in force until terminated under paragraph 5 of this article.
2. 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 country.
3. Any relevant matter for which no provision is made in this Agreement 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 and sympathetic consideration to any proposal advanced by the other Party under this paragraph.
4. Consultations with a view to amending this Agreement may be held at the request of the Government or UNHCR. Amendments shall be made by a joint written agreement.
5. This Agreement shall cease to be in force six months after each of the contracting Parties gives notice in writing to the other of its decision to terminate the Agreement, except as regards the normal cessation of the activities of UNHCR in the country and the disposal of its property in the country.
6. The obligations assumed by the Government under Articles VI (concerning facilities for implementation of UNHCR humanitarian programmes), VII (concerning privileges and immunities), VIII (concerning UNHCR office, property, funds and assets), X (concerning UNHCR officials) and XVI (concerning settlement of disputes) hereof shall survive the termination of this Agreement to the extent necessary to permit orderly withdrawal of personnel, funds and property of the UNHCR and of any NGO implementing humanitarian programmes on behalf of the UNHCR, or of any persons performing services on their behalf under this Agreement.
7. This Agreement supersedes and replaces the Agreement between the Government and UNHCR signed on the 1st day of September 1993.

IN WITNESS WHEREOF the undersigned, being duly appointed representatives of the United Nations High Commissioner for Refugees and the Government, respectively, have on behalf of the Parties signed two originals of this Agreement, in the English language, both being authentic.

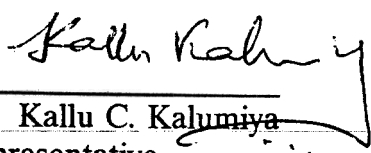


Done in Monrovia this 18 day of August 1997



Hon. Monie Captan
Minister of Foreign Affairs

For the Government of the Republic of Liberia



Dr. Kallu C. Kalumiya
Representative

For the United Nations High Commissioner for Refugees