

No. 1414

**WORLD HEALTH ORGANIZATION
and
AFGHANISTAN**

**Basic Agreement for the provision of services by the World
Health Organization in Afghanistan. Signed at Kabul,
on 4 December 1949**

Official text: English.

Registered by the World Health Organization on 20 September 1951.

**ORGANISATION MONDIALE DE LA SANTÉ
et
AFGHANISTAN**

**Accord de base relatif à la fourniture de services par
l'Organisation mondiale de la santé en Afghanistan.
Signé à Kaboul, le 4 décembre 1949**

Texte officiel anglais.

Enregistré par l'Organisation mondiale de la santé le 20 septembre 1951.

No. 1414. BASIC AGREEMENT¹ BETWEEN THE WORLD HEALTH ORGANIZATION AND THE GOVERNMENT OF AFGHANISTAN FOR THE PROVISION OF SERVICES BY THE WORLD HEALTH ORGANIZATION IN AFGHANISTAN. SIGNED AT KABUL, ON 4 DECEMBER 1949

THE GOVERNMENT OF AFGHANISTAN
of the one part and

THE WORLD HEALTH ORGANIZATION
of the other part

Being desirous of regulating the conditions which shall govern services to be provided by the World Health Organization in Afghanistan, HAVE AGREED as follows :

Article I

PROVISION OF SERVICES

(a) On the request of the Government of the Afghanistan and in accordance with the policies adopted by the World Health Assembly and the Executive Board, the World Health Organization (hereinafter called the Organization) shall, within its determination of requirements and resources and subject to its budgetary limitations, render in Afghanistan technical and advisory assistance or other services.

(b) The Organization shall, if necessary, provide the whole or part of such supplies, materials and equipment as may be required for the execution of the said assistance or services.

(c) Staff may be assigned by the Organization to perform technical and advisory or other duties deemed necessary to facilitate the execution of the programme in Afghanistan and such office or offices established in Afghanistan as may be necessary.

Article II

DURATION OF OPERATIONS AND SERVICES

The Organization shall provide such assistance or services for such period as may be mutually agreed in accordance with Article VIII, having regard to the particular requirements of the programme in each instance.

¹ Came into force on 4 December 1949, in accordance with article XI.

Article III

ASSISTANCE BY THE GOVERNMENT OF AFGHANISTAN

The Government of Afghanistan shall assist by providing such office or other accommodation as may be required with water, light, telephone, power (and heating) and by providing any other materials, supplies, equipment, facilities or personnel which may be agreed upon in accordance with Article VIII.

Article IV

EXPENSES

- (a) The Organization shall make provision for the following expenses :
- (i) The salaries and allowances of its staff assigned to perform duties in Afghanistan, but not including installation subsistence and cost of living provisions within Afghanistan;
 - (ii) Travel costs to and from Afghanistan;
 - (iii) The cost of materials, supplies and equipment required for demonstration purposes and transportation costs for such materials, supplies and equipment to and from Afghanistan.
- (b) The Government of Afghanistan shall make provision for those costs of the services provided for in this Agreement as may be met in its own national currency, including :
- (i) Salary and expenses of staff provided under the provisions of Article III, including technical personnel and clerical or other auxiliary personnel;
 - (ii) Office and other accommodation, facilities and supplies, including public services such as telephone, electricity, power, heating, etc., office equipment and stationery supplies;
 - (iii) Transportation and travel expenses within Afghanistan;
 - (iv) Allowance for the staff of the Organization due in connexion with their assignment to Afghanistan, including installation, subsistence and cost-of-living provisions;
 - (v) Operational and administrative expenses or costs with respect to the reception, unloading, warehousing, transportation and operation or use within Afghanistan of the materials, supplies and equipment furnished by the Organization;
 - (vi) Workman's compensation, industrial insurance or other obligatory insurance for staff provided under Article III in accordance with the municipal or local legislation in Afghanistan;

- (vii) Loss, damage, accident or injury to persons or property arising out of the implementation of any programme under this agreement, provided that this shall not apply to accident or injury incurred by any member of the WHO staff.

Article V

PRIVILEGES AND IMMUNITIES

(a) For the purposes of this Agreement the Government of Afghanistan shall extend to the Organization for the attainment of its aims and for the performance of its duties in Afghanistan and to its staff while engaged in the business of the Organization in Afghanistan the privileges and immunities set forth in Chapter XV of the Constitution of the Organization¹ and in the General Convention on the Privileges and Immunities of the Specialized Agencies² together with its Annex VII as approved by the World Health Assembly on 17 July 1948, and such other privileges and immunities as may be set forth in any separate instrument concluded between the parties hereto.

(b) The provisions of Article VI, Section 19 (b) (c) (d) (e) and (f) and Section 20 of the aforementioned Convention shall not apply to personnel provided by the Government of Afghanistan under Article III of this Agreement.

Article VI

RATES OF EXCHANGE

For the purpose of this Agreement rates of exchange shall be calculated at the most favourable rate officially recognized by the Government of Afghanistan.

Article VII

TAXATION

(a) Staff of the Organization, irrespective of nationality, assigned to Afghanistan shall be exempt from taxation on their salaries and other emoluments.

(b) The Government of Afghanistan will take such action as may be necessary to ensure that any materials, supplies and equipment furnished, used or operated by the Organization, and the personal effects of the staff of the organization are exempted from any tax, fee, toll or other duty in Afghanistan.

¹ United Nations, *Treaty Series*, Vol. 14, p. 200.

² United Nations, *Treaty Series*, Vol. 33, p. 261; Vol. 43, p. 342; Vol. 46, p. 355; Vol. 51, p. 330; Vol. 71, p. 316, 318 and 320; Vol. 76, p. 274; Vol. 79, p. 326; Vol. 81, p. 332; Vol. 84, p. 412; Vol. 88, p. 447; Vol. 90, p. 323; Vol. 91, p. 376; Vol. 92, p. 400; Vol. 96, p. 318, and Vol. 101, p. 288.

Article VIII

IMPLEMENTATION OF THE AGREEMENT

For the requirements of each programme this Agreement will be implemented by special arrangements to be concluded between the Ministry of Public Health of the Government of Afghanistan and the Organization.

Article IX

SETTLEMENT OF DISPUTES

Any difference between the Government of Afghanistan and the Organization arising out of the interpretation or application of this Agreement or of any supplementary agreement or arrangement thereto which is not settled by negotiation shall be submitted for decision to a board of three arbitrators; the first to be appointed by the Government of Afghanistan, the second by the Director-General of the Organization, and the third, the presiding arbitrator, by the arbitrators duly appointed by the parties unless in any specific case the parties hereto agree to resort to a different mode of settlement.

Article X

REVISION AND TERMINATION

(a) This Agreement may be revised at the request of either party. In this event the two parties shall consult each other concerning the modifications to be made in its provisions.

(b) This agreement may be terminated by either party on 31 December of any year by notice given to the other party not later than 30 September of that year, provided that in the event of such termination the Organization reserves the right to discontinue any programme in course of execution under this Agreement and to withdraw any staff or facilities provided by virtue of Articles I and VIII thereof.

Article XI

ENTRY INTO FORCE

This Agreement shall enter into force as from 4 December 1949.

IN FAITH WHEREOF this Agreement was done and signed at Kabul on this 4th day of December 1949 in three copies in English.

For the Government
of Afghanistan :
(Signed) Dr. Abdul MAJID
Minister of Public Health

For the World Health
Organization :
(Signed) Dr. MANI
Regional Director