

No. 2591

**UNITED NATIONS CHILDREN'S FUND
and
MEXICO**

**Agreement concerning the activities of UNICEF in Mexico.
Signed at New York, on 20 May 1954**

Official texts: English and Spanish.

Registered ex officio on 28 June 1954.

**FONDS DES NATIONS UNIES POUR L'ENFANCE
et
MEXIQUE**

**Accord concernant les activités du FISE au Mexique. Signé
à New-York, le 20 mai 1954**

Textes officiels anglais et espagnol.

Enregistré d'office le 28 juin 1954.

No. 2591. AGREEMENT BETWEEN THE UNITED NATIONS CHILDREN'S FUND AND THE GOVERNMENT OF THE UNITED MEXICAN STATES CONCERNING THE ACTIVITIES OF UNICEF IN MEXICO. SIGNED AT NEW YORK, ON 20 MAY 1954

WHEREAS the General Assembly of the United Nations, by Resolution 57 (I), adopted on 11 December 1946,² created an International Children's Emergency Fund (hereinafter referred to as "the Fund") as a subsidiary organ of the United Nations, and amended its terms of reference by Resolution 417 (V), adopted 1 December 1950,³ and

WHEREAS the Government of the United States of Mexico (hereinafter referred to as "the Government") desires the aid of the Fund for the benefit of children and adolescents and expectant and nursing mothers (hereinafter referred to as "the persons to be aided") within its territories,

NOW, THEREFORE, the Government and the Fund have agreed as follows .

Article I

PLANS OF OPERATIONS

A. On each occasion that the Government wishes to obtain assistance from the Fund, it shall prepare a plan of operations describing the proposed project, the respective commitments proposed to be undertaken by the Government and the Fund, and the means proposed to ensure the proper use and distribution of supplies or other assistance which the Fund may provide.

B. The Fund, after examining the need for such assistance and taking into account its available resources, will decide on its own participation in the proposed plan ; the Government and the Fund will agree on a mutually acceptable plan or plans of operations (hereinafter referred to as the "approved plan"). Approved plan may be amended, should circumstances so require, in any manner agreed between the Government and the Fund. In that case, the present Agreement shall then apply to such plan as amended.

¹ Came into force on 20 May 1954, as from the date of signature, in accordance with article X.

² United Nations, *Resolutions adopted by the General Assembly during the second part of the First Session* (A/64/Add.1), p. 90.

³ United Nations, *Official Records of the General Assembly, Fifth Session, Supplement No. 20* (A/1775), p. 40.

Article II

FURNISHING OF SUPPLIES AND SERVICES

- A. The Government and the Fund, in accordance with their respective commitments under any approved plan of operations, shall provide supplies and services for the persons to be aided in Mexico.
- B. The Fund shall provide the supplies and services under this Agreement free of charge.
- C. The Government undertakes that the supplies and services provided by the Fund shall be distributed to, or made available for the benefit of, the persons to be aided, in accordance with the approved plan of operations and in conformity with the policies of the Fund.

Article III

TRANSFER AND DISTRIBUTION OF SUPPLIES

- A. The Fund shall retain full ownership of its supplies until consumed or used by the persons to be aided, or, in the case of capital goods, until the transfer of title, or, during the period of loan, as may be provided for in the approved plan.
- B. The Fund shall entrust its supplies to the Government for handling and distribution on behalf of the Fund for the benefit of the persons to be aided. In discharging this responsibility, the Government may avail itself of the services of agencies operating within the country and chosen by mutual agreement between the Government and the Fund.
- C. These supplies will be distributed equitably and efficiently on the basis of need, without discrimination because of race, creed, nationality status, or political belief.
- D. It is agreed that supplies and services provided by the Fund are to be in addition to, and not in substitution for, the budget charges or other resources which the Government or other authorities within the country have established for similar activities. No ration plan in force at the time of the approval of a plan of operations shall be modified by reason of such supplies so as to reduce the rations allocated to the persons to be aided.
- E. Subject to previous agreement with the Mexican authorities, the Fund, at its discretion, may cause such distinctive markings to be placed upon the supplies provided by it as may be deemed necessary by the Fund to indicate that such supplies are provided under the auspices of the Fund and are intended for the persons to be aided.

F. The persons to be aided shall not be required to pay directly or indirectly for the cost of any supplies or services provided by the Fund.

G. The Government shall make all arrangements for, and shall sustain all operational and administrative expenses or costs incurred within the country and in the national currency, with respect to the reception, unloading, warehousing, insurance, transportation, and distribution of the supplies furnished by the Fund.

Article IV

EXPORTS

The Government agrees that it will not expect the Fund to furnish supplies for the aid and assistance of children and adolescents and expectant and nursing mothers under this Agreement if the Government exports any supplies of the same or similar character, except in such special circumstances as may arise and are approved by the Programme Committee of the Executive Board of the Fund.

Article V

RECORDS AND REPORTS

A. The Government shall maintain adequate accounting and statistical records of the Fund's operations necessary to discharge the Fund's responsibilities. Consultations with respect to the maintenance of such records may be made only by mutual agreement.

B. The Government shall furnish the Fund with such records, reports, and information as to the operation of approved plans as are found necessary to the discharge of the responsibilities entrusted to it by the General Assembly.

Article VI

RELATIONSHIP BETWEEN THE GOVERNMENT AND THE FUND IN THE CARRYING OUT OF THIS AGREEMENT

A. It is recognized and understood by the Government and the Fund that, in order to carry out the terms of this Agreement, it will be necessary to establish a close and cordial relationship of cooperation between officials of the Government and officers of the Fund. The Fund shall designate duly authorized officers to visit periodically or be stationed in Mexico for consultation and cooperation with the appropriate officials of the Government with respect to the shipment, receipt, and use or distribution of the supplies furnished by the Fund, to consider and review the needs of the persons to be aided in Mexico, to advise the Fund on the progress of approved plans of operations under the present Agreement, and of any problems which the Government may wish to submit to the Fund, with regard to assistance for the benefit of the persons to be aided in the country.

B. The Fund and the Government agree that, for the above purposes, the Fund by means of a previous agreement negotiated with the Government, may maintain an office in Mexico, through which its officers may be reached and through which it will conduct its principal business.

C. In case that the Agreement referring to the above office is concluded, the Government shall facilitate employment by the Fund, as officers, clerical staff or otherwise, of such citizens and residents in Mexico as may be required to discharge the Fund's functions under the present Agreement.

D. The Government shall permit authorized officers of the Fund to have access to such records, books of account, or other appropriate documents with respect to the distribution of supplies furnished by the Fund. The Government shall further permit authorized officers of the Fund entire freedom to observe the handling, distribution, and use of such supplies and the maintenance of loaned capital goods at any time and at any place, and to examine the processes and techniques of distribution and make observations with respect thereto to the appropriate Government authorities.

E. If an office is established in the territory of Mexico under Section B of this Article, the Government shall, in agreement with the Fund, make arrangements for, and meet the cost of, expenses incurred in the currency of Mexico, for the housing, subsistence, automobile transportation, and travel of the officers to be provided by the Fund under this Article, for the establishing, equipping, and maintaining of the office, for clerical and other assistance, for postal, telegraphic, and telephone communications, and for other services necessary to carry out the activities provided for by this Article.

Article VII

IMMUNITY FROM TAXATION

A. The Fund, its assets, property, income, and its operations and transactions of whatsoever nature, shall be immune from all federal taxes, fees, tolls or duties such as Tax on Income Schedules I, II and III, Tax on Commercial Incomes, Stamp Tax, Export and Import Tax.

B. No tax, fee, toll or duty shall be levied either directly or indirectly by the Federal Government, on or in respect of salaries or remunerations paid by the Fund to its officers, employees and other Fund personnel who are not subjects of Mexico or permanent residents thereof (Tax on Income, Schedules IV and V).

C. The Government shall take such action as is necessary for the purpose of giving effect to the foregoing provisions of this Article. In addition, the Government shall take whatever other action may be necessary to ensure that supplies and services furnished by the Fund are not subject to any federal tax, fee, toll or duty in a manner which reduces the resources of the Fund.

Article VIII

PRIVILEGES AND IMMUNITIES

The Government of the United States of Mexico shall grant to the Fund and to its representatives the privileges and immunities granted to other subsidiary organizations and Specialized Agencies of the United Nations and their representatives in Mexico.

Article IX

PUBLIC INFORMATION

The Government shall afford the Fund opportunity for, and shall cooperate with the Fund in, making public information regarding the delivery and distribution of supplies furnished by the Fund.

Article X

PERIOD OF AGREEMENT

A. The present Agreement shall come into force on the date of signature, or, if ratification is required, from that date. It shall remain in force at least until the termination of all plans of operations approved under this Agreement, plus a reasonable period for the completion of an orderly liquidation of all Fund activities in Mexico.

B. In case of disagreement as to whether the terms of this Agreement are being complied with, the matter shall be referred to the Programme Committee of the Executive Board of the Fund for appropriate action.

DONE in the English and Spanish languages, both texts being equally valid.

For the Government
of the United States of Mexico:
(Signed) RAFAEL DE LA COLINA
Permanent Representative
of Mexico to the United Nations

For the
United Nations Children's Fund:
(Signed) MAURICE PATE
Executive Director

Signed at : New York, N. Y.

Date : 20 May 1954