

No. 2663

**UNITED NATIONS CHILDREN'S FUND
and
NEW ZEALAND**

Agreement for the rendering of assistance in the Cook Islands, the Tokelau Islands and the Trust Territory of Western Samoa. Signed at New York, on 26 August 1954

Official text: English.

Registered ex officio on 26 August 1954.

**FONDS DES NATIONS UNIES POUR L'ENFANCE
et
NOUVELLE-ZÉLANDE**

Accord relatif à la fourniture d'une assistance dans l'archipel Cook, l'archipel Tokelaou et le Territoire sous tutelle du Samoa Occidental. Signé à New-York, le 26 août 1954

Texte officiel anglais.

Enregistré d'office le 26 août 1954.

No. 2663. AGREEMENT¹ BETWEEN THE UNITED NATIONS CHILDREN'S FUND AND THE GOVERNMENT OF NEW ZEALAND FOR THE RENDERING OF ASSISTANCE IN THE COOK ISLANDS, THE TOKELAU ISLANDS AND THE TRUST TERRITORY OF WESTERN SAMOA. SIGNED AT NEW YORK ON 26 AUGUST 1954

The United Nations Children's Fund (hereinafter referred to as "the Fund") and the Government of New Zealand,

Considering that the General Assembly of the United Nations created the Fund as a subsidiary organ of the United Nations by Resolution 57 (I)² approved on 11 December 1946, and amended the terms of reference of the Fund by Resolution 417(V)³ approved on 1 December 1950,

Wishing to make provision concerning the terms on which the Fund may furnish assistance, where such assistance is desired, for the benefit of children and adolescents and expectant and nursing mothers (hereinafter referred to as "the persons to be aided") within certain Territories for whose international relations the Government of New Zealand is responsible, or any of those Territories,

Have agreed as follows : —

Article I

DEFINITIONS

In this Agreement —

"Territories for whose international relations the Government of New Zealand is responsible" means the Cook Islands (including Niue), the Tokelau Islands, and the Trust Territory of Western Samoa; and "Territory" means the Cook Islands (including Niue), the Tokelau Islands, or the Trust Territory of Western Samoa, as the case may require;

"Government" means, —

(a) In respect of assistance rendered or to be rendered within the Cook Islands (including Niue) or the Tokelau Islands, the Government of New Zealand;

¹ Came into force on 26 August 1954, as from the date of signature, in accordance with article XI.

² United Nations, *Resolutions adopted by the General Assembly during the Second Part of its 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).

(b) In respect of assistance rendered or to be rendered within the Trust Territory of Western Samoa, the Government of Western Samoa.

Article II

PLANS OF OPERATIONS

(1) The Fund shall, subject to its examination of the need for assistance and the availability of its resources, render such assistance for the benefit of the persons to be aided in any of the Territories for whose international relations the Government of New Zealand is responsible as shall be set out in Plans of Operations made pursuant to the present Agreement and for whom assistance has been requested by the Government. Such Plans of Operations shall be made between the Fund and the Government, and shall describe —

- (a) the project for which the assistance of the Fund is required;
- (b) the supplies and services which shall be provided and any other commitments which shall be undertaken by the Government and the Fund;
- (c) the means by which, in conformity with the policies of the Fund, the proper use and distribution of any supplies or other assistance provided by the Fund shall be ensured.

(2) The Government, in submitting a request to the Fund, shall at the same time submit detailed proposals concerning the matters referred to in subparagraphs (a), (b) and (c) of paragraph (1) of this Article.

(3) Any Plan of Operations made in accordance with this Article may be amended from time to time in such manner not inconsistent with the present Agreement as may be agreed between the Fund and the Government.

(4) In requesting assistance, and in making or amending any Plan of Operations, in accordance with this Article, the Government of Western Samoa shall in each case act with the authority and consent of the Government of New Zealand.

Article III

TRANSFER AND DISTRIBUTION OF SUPPLIES

(1) Supplies and services provided by the Fund in accordance with any Plan of Operations shall be provided free of charge. The Fund shall retain full ownership of such supplies until received or used by the persons to be aided, or, in the case of capital goods, until title thereto is transferred on such terms as may be agreed between the Fund and the Government.

(2) The Fund shall entrust its supplies to the Government for handling or distribution as agent on behalf of the Fund. The Government may, in discharging such responsibility, utilize the services of such agencies as may be approved by the Fund.

(3) The Government shall ensure that supplies and services provided in accordance with the Plan of Operations shall be distributed to or made available for the benefit of the persons to be aided in accordance with such Plan and that such supplies and services shall be used, dispensed or distributed equitably and efficiently on the basis of need, without discrimination on the grounds of race, creed, nationality status, or political belief.

Article IV

EXPORTS AND BUDGET CHARGES

(1) There shall be no obligation on the Fund to provide supplies under a Plan of Operations so long as the Government exports any supplies of the same or similar character, except in such special circumstances as may be approved by the Programme Committee of the Executive Board of the Fund.

(2) Supplies and services provided by the Fund shall be in addition to, and not in substitution for, any supplies and services provided for similar purposes by the Government or other authorities within the Territory. In particular, no ration plan in force in such Territory at the date of signature of the Plan of Operations shall be modified by reason of such supplies so as to reduce the rations allocated to the persons to be aided.

(3) 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.

Article V

ADMINISTRATIVE ARRANGEMENTS AND EXPENSES

(1) The Government shall, in agreement with the Fund, make all arrangements —

(a) for the reception, unloading, warehousing, insurance, transportation and distribution within the Territory of the supplies provided by the Fund;

(b) if an office is established in accordance with Article VII,

(i) for the establishment, equipment and maintenance of such office,

(ii) for the housing, subsistence, transport and travel within the Territory of the officers to be provided by the Fund under that Article,

(iii) for the clerical and related assistance, and postal, telegraphic and telephonic communications,

(iv) for such other services as are necessary to facilitate any other activities referred to in that Article.

(2) The Government shall, in agreement with the Fund, defray such costs of the services referred to in paragraph (1) of this Article as are incurred in the currency of the Territory.

Article VI

RECORDS AND ACCOUNTS

(1) The Government shall maintain such accounting and statistical records of the Fund's operations in the Territory, and shall furnish the Fund with such records, reports and information with regard to the progress of the relevant Plan of Operations as may be necessary for the discharge of the Fund's responsibilities.

(2) The Government shall permit any authorized officer of the Fund provided in accordance with Article VII to have access to the accounting and statistical records maintained under paragraph (1) of this Article.

Article VII

COOPERATION AND LIAISON

(1) In order to establish the close and cordial relationship of cooperation between officials of the Government and officers of the Fund necessary for the efficient carrying out of any Plan of Operations, the Fund may make provision in consultation with the Government for duly authorized officers of the Fund to visit periodically or to be stationed in the Territory —

(a) 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;

(b) to consider and review the needs of the persons to be aided in that Territory;

(c) to inform the Fund of the progress of any project provided for in a Plan of Operations and of any problems with regard to any such project which that Government may wish to submit to the Fund.

(2) For the purpose referred to in paragraph (1) of this Article, the Fund may maintain in the Territory an office through which its officers may be reached and through which it shall conduct its principal business.

(3) The Government shall permit such duly authorized officers of the Fund entire freedom to observe the handling, distribution and use of supplies provided by the Fund and the maintenance of any loaned capital goods, and to examine and comment upon the methods of such distribution.

(4) The Government shall facilitate employment by the Fund as officers, clerical staff or otherwise, of such residents in the Territory as may be required to discharge the functions of the Fund in connection with the Plan of Operations.

Article VIII

PUBLIC INFORMATION

(1) 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.

(2) The Fund may cause such distinctive markings to be placed on any 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.

Article IX

PRIVILEGES AND IMMUNITIES

(1) The Government shall, in the Territory, apply to the Fund, its assets, income and property, and to its staff the applicable provisions of the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946,¹ in accordance with the terms of the instruments of accession of the Government of New Zealand to the Convention.

(2) Supplies and capital goods provided by the Fund in connection with any Plan of Operations shall be deemed to be imported into the Territory for the official use of the Fund.

(3) Staff of the Fund assigned to carry out any Plan of Operations made pursuant to the present Agreement shall be deemed to be "officials" within the meaning of the above Convention, provided that, unless otherwise agreed between the Government and the Fund, any person engaged by the Fund in the Territory in relation to any project to be carried out under any Plan of Operations shall not be regarded as a member of the Staff of the Fund if his remuneration is a charge to be borne by the Government in accordance with the present Agreement.

(4) Any tax, fee, toll or duty (other than those from which the Fund, its assets, income and property, and its staff are immune under the appropriate provisions of the above Convention, in accordance with the terms of the in-

¹ United Nations, *Treaty Series*, Vol. 1, pp. 15 and 263; Vol. 4, p. 461; Vol. 5, p. 413; Vol. 6, p. 433; Vol. 7, p. 353; Vol. 9, p. 398; Vol. 11, p. 406; Vol. 12, p. 416; Vol. 14, p. 490; Vol. 15, p. 442; Vol. 18, p. 382; Vol. 26, p. 396; Vol. 42, p. 354; Vol. 43, p. 335; Vol. 45, p. 318; Vol. 66, p. 346; Vol. 70, p. 266; Vol. 173, p. 369; Vol. 177, p. 324, and Vol. 180, p. 296.

strument of accession of the Government of New Zealand to the Convention), which may be imposed by the Government of New Zealand or of Western Samoa or any political subdivision thereof or any other public authority in the Territory on the Fund, its assets, income and property, and its staff in connection with the carrying out of a Plan of Operations shall be deemed to be costs incurred in the currency of the Territory and shall be defrayed by the Government.

Article X

MODIFICATIONS AND DISAGREEMENTS

(1) The present Agreement may be modified in any manner agreed between the Government of New Zealand and the Fund.

(2) Any disagreement relating to the interpretation or application of the present Agreement or any Plan of Operations pursuant thereto which cannot be resolved by negotiation between the Government of New Zealand and the Fund shall be referred to the Programme Committee of the Executive Board of the Fund.

Article XI

ENTRY INTO FORCE AND DURATION

(1) The present Agreement shall enter into force on the date of signature.

(2) Either party thereto may at any time give notice to the other that it desires to terminate this Agreement. Upon the receipt of such notice no further Plans of Operations shall be made in accordance with Article II. Such notice shall take effect and this Agreement shall terminate in all other respects on the expiration of a reasonable period, after the completion or termination of all Plans of Operations, for the orderly liquidation of all the Fund's activities in any Territory arising from such Plans.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed the present Agreement.

DONE in duplicate at New York, this 26th day of August 1954.

For the Government
of New Zealand :
(Signed) N. K. MUNRO
Ambassador Extraordinary
and Plenipotentiary
Permanent Representative
of New Zealand
to the United Nations

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