

No. 7793

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**UNITED NATIONS  
and  
NIGER**

**Agreement (with annex) concerning the establishment at Niamey of a sub-regional office of the United Nations Economic Commission for Africa. Signed at Niamey, on 20 November 1963**

*Official text: French.*

*Registered ex officio on 1 June 1965.*

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**ORGANISATION DES NATIONS UNIES  
et  
NIGER**

**Accord (avec annexe) relatif à la création d'un bureau sous-régional de la Commission économique des Nations Unies pour l'Afrique à Niamey. Signé à Niamey, le 20 novembre 1963**

*Texte officiel français.*

*Enregistré d'office le 1<sup>er</sup> juin 1965.*

[TRADUCTION — TRANSLATION]

No. 7793. AGREEMENT<sup>1</sup> BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF THE REPUBLIC OF THE NIGER CONCERNING THE ESTABLISHMENT AT NIAMEY OF A SUB-REGIONAL OFFICE OF THE UNITED NATIONS ECONOMIC COMMISSION FOR AFRICA. SIGNED AT NIAMEY, ON 20 NOVEMBER 1963.

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The Government of the Republic of the Niger (hereinafter called "the Government") and the United Nations,

Mindful of resolution 64 (IV)<sup>2</sup> of the United Nations Economic Commission for Africa to set up a sub-regional office for Western Africa to be sited at Niamey,

Desiring to conclude an agreement for the purpose of regulating questions arising from the offer of the Government, and the acceptance thereof by the United Nations, to grant to the United Nations the use of the land, buildings, appurtenances and installations described in the annexes<sup>3</sup> to this Agreement without charge to the United Nations,

Being concerned to ensure the effective functioning of the sub-regional office for Western Africa by supplementing, to the extent necessary, the Convention on the Privileges and Immunities of the United Nations<sup>4</sup> to which the Government of the Niger acceded on 25 August 1961,<sup>5</sup>

Have nominated as their representatives for this purpose :

The Government of the Republic of the Niger :

Mr. Courmo Barcougne, Minister of Finance and Economic Affairs,

The United Nations :

Mr. R. K. A. Gardiner, Executive Secretary of the Economic Commission for Africa,

Who have agreed as follows :

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<sup>1</sup> In accordance with Section 31, the Agreement came into force on 2 June 1964 upon notification by the Government of the Niger to the United Nations that the Agreement had been ratified in accordance with the constitutional procedures of the Republic of the Niger.

<sup>2</sup> United Nations, *Official Records of the Economic and Social Council, 34th session, Supplement No. 10 (E/3586-E/CN.14/168)*, p. 47.

<sup>3</sup> See footnotes 1 and 2, p. 7 of this volume.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 1, p. 15, and Vol. 90, p. 327 (corrigendum to Vol. 1, p. 18).

<sup>5</sup> United Nations, *Treaty Series*, Vol. 405, p. 275.

*Article I*

## DEFINITIONS

## Section 1

In this Agreement :

- (a) The expression "premises" means the land described in annex I<sup>1</sup> to this Agreement and any buildings, appurtenances and installations erected thereon ;
- (b) The expression "furnishings" means the furnishings described in annex II<sup>2</sup> to this Agreement ;
- (c) The expression "Organization" means the United Nations ;
- (d) The expression "sub-regional office" means the sub-regional office of the United Nations Economic Commission for Africa at Niamey ;
- (e) The expression "General Convention" means the Convention on the Privileges and Immunities of the United Nations as adopted by the General Assembly of the United Nations on 13 February 1946 and acceded to by the Government of the Republic of the Niger on 25 August 1961 ;
- (f) The expression "Director" means the Director in charge of the sub-regional office, his deputy or any other official of the Organization who is in charge of the sub-regional office at the time.

*Article II*

## TITLE TO AND USE OF PREMISES

## Section 2

The title to the premises shall remain with the Government. The Government shall grant to the Organization, without compensation, the use of such premises for housing the sub-regional office or for any other United Nations purposes which the Organization deems necessary. The Organization shall not be required to give to the Government any bond or security whatsoever.

## Section 3

The Government shall provide the necessary furnishings for the premises.

<sup>1</sup> See p. 25 of this volume.

<sup>2</sup> By agreement of the Contracting Parties, this annex was to become part of the Agreement when the schedule of furnishings had been established and approved. As at the time of registration of the Agreement, the said schedule had not yet been established.

*Article III*

## CONTROL AND PROTECTION OF THE PREMISES

## Section 4

The premises shall be inviolable and shall be under the control and authority of the Organization, as provided in this Agreement.

## Section 5

(a) Officers or officials of the Government, whether administrative, judicial, military or police, shall not enter the premises to perform any official duties therein except with the consent of and under conditions agreed to by the Director.

(b) Without prejudice to the provisions of the General Convention or of this Agreement, the sub-regional office shall prevent the premises from becoming a refuge for persons who are avoiding arrest under any law of the Government, or who are required by the Government for extradition to another country or who are endeavouring to avoid service of legal process.

## Section 6

(a) The Government shall exercise due diligence through its appropriate authorities to ensure that the tranquillity of the premises is not disturbed by the unauthorized entry of groups of persons from outside or by disturbance in their immediate vicinity. It shall cause to be provided on the boundaries of the premises such police protection as is required for these purposes.

(b) If so requested by the Director, the Government shall take the necessary steps for the preservation of law and order in the premises and for the removal therefrom of persons as requested under the authority of the Director.

*Article IV*

## ACCESS TO THE PREMISES

## Section 7

(a) The Government shall not impede the transit to or from the premises of the following persons :

- (i) Officials of the sub-regional office, and their families ;
- (ii) Persons, other than officials of the sub-regional office, performing missions for the sub-regional office, and their spouses ;
- (iii) Other persons invited to the premises on official business ; the Director shall communicate the names of such persons to the Government ;
- (iv) Representatives of any organs of information whom the Organization may have decided to accept after consultations with the Government.

(b) This section shall not apply to general interruptions of transport and shall not impede the enforcement of the law.

(c) This section shall not imply exemption from the obligation to produce reasonable evidence to establish that persons claiming the rights granted under this section are included in the categories specified in paragraph (a).

(d) The necessary visas shall be granted promptly and, in the case of the persons referred to in paragraph (a) above, free of charge.

#### *Article V*

#### REPRESENTATIVES OF GOVERNMENTS

#### Section 8

The representatives of Governments, participating in the work of the sub-regional office or in any conference which may be convened by the Organization at the premises of the sub-regional office, shall be entitled in the territory of the Republic of the Niger, while exercising their functions and during their journey to and from the premises of the sub-regional office, to the same privileges and immunities as are accorded to diplomatic envoys of comparable rank under international law.

#### *Article VI*

#### OFFICIALS OF THE ORGANIZATION

#### Section 9

Officials of the Organization shall enjoy in the territory of the Niger the following 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 ; such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the Organization ;
- (b) Immunity from personal arrest of detention ;
- (c) Immunity from seizure of their personal and official baggage ;
- (d) Exemption from taxation on the salaries and emoluments paid to them by the Organization ;
- (e) Immunity from national service obligations ;
- (f) Immunity, together with members of their families and their personal employees, from immigration restrictions and alien registration ;
- (g) The same privileges in respect of exchange facilities as are accorded to the officials of comparable rank forming part of diplomatic missions to the Government ;

- (h) The same repatriation facilities in time of international crisis, together with members of their families and their personal employees, as diplomatic envoys ;
- (i) Exemption for officials, other than nationals of the Niger and permanent foreign residents of the Niger, from any form of direct taxation on income derived from sources outside the Niger, and the freedom to maintain within the Niger, or elsewhere, foreign securities, and other movable and immovable property, and whilst employed by the United Nations in the Niger, and at the time of termination of such employment, the right to take out of the Niger, funds in currencies other than that of the Niger without any restrictions or limitations, provided that the said officials can show good cause for their lawful possession of such funds ;
- (j) The right to import, free of duty and other levies, prohibitions and restrictions on imports, their furniture and effects within twelve months after first taking up their post in the Niger ; the same regulations shall apply for other than nationals of the Niger and permanent foreign residents of the Niger in the case of importation, transfer and replacement of automobiles, as are in force for the resident members of diplomatic missions of comparable rank.

#### Section 10

All officials of the Organization working at the sub-regional office shall be provided with a special identity card certifying that they are officials of the Organization enjoying the privileges and immunities specified in this Agreement.

#### Section 11

(a) The Government shall accord to the Director and to such of his immediate assistants as may be agreed between the Organization and the Ministry of Foreign Affairs the privileges and immunities indicated in paragraph 2 of Article 105 of the United Nations Charter.

(b) For this purpose the Director and the immediate assistants referred to in paragraph (a) above shall be incorporated by the Ministry of Foreign Affairs into the appropriate diplomatic categories and shall enjoy the Customs exemptions granted to such diplomatic categories in the Niger.

#### Section 12

The privileges and immunities accorded by this article are granted in the interests of the Organization and not for the personal benefit of the individuals themselves. The Secretary-General of the Organization shall waive the immunity of any official in any case where, in his opinion, such immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

## Section 13

The United Nations shall co-operate at all times with the appropriate authorities of the Niger to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the privileges, immunities and facilities mentioned in this article.

*Article VII*

## PUBLIC SERVICES AND UTILITIES

## Section 14

The Organization shall be responsible for the payment for electricity and water supplies, telephone services and other similar public utility services for the premises.

## Section 15

The Government shall exercise, to the extent requested by the Director, the powers which it possesses with respect to the supplying of public utility services to ensure that the premises are provided with the necessary services on equitable terms. In case of interruption or threatened interruption of such services, the Government shall consider the needs of the sub-regional office as being of the same importance as the similar needs of essential agencies of the Government and shall take the necessary steps to ensure that the work of the sub-regional office is not prejudiced.

*Article VIII*

## COMMUNICATIONS AND TRANSPORT

## Section 16

The Organization shall enjoy for its official communications treatment not less favourable than that accorded by the Government to any other government or to any other international organization, including foreign diplomatic missions in the Niger.

## Section 17

(a) No censorship shall be applied to the official correspondence or other communications of the Organization. Such immunity shall extend, without limitation by reason of this enumeration, to publications, documents, still and moving pictures, films and sound recordings ;

(b) The Organization shall have the right to use codes and to dispatch and receive official correspondence and, without limitation by reason of this enumeration, publications, documents, still and moving pictures, films and sound recordings, either

by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

#### Section 18

The Organization shall have the authority to install and operate at the sub-regional office for its exclusive official use a radio sending and receiving station or stations to exchange traffic with the United Nations radio network, subject to the provisions of article 45 of the International Telecommunication Convention relating to harmful interference. The frequencies on which any such station may be operated shall be agreed between the Organization and the Government and shall be duly communicated by the Organization to the International Frequency Registration Board.

#### Section 19

(a) The Organization shall be entitled, for its official purposes, to use transportation operated by the Government at the same rates and treatment as may be granted to resident diplomatic missions.

(b) Aircraft operated by or for the Organization shall be exempt from all charges, except those for actual service rendered, and from fees or taxes incidental to the landing at, parking on or taking off from any aerodrome in the Niger. Except as limited by the preceding sentence, nothing herein shall be construed as exempting such aircraft from full compliance with all applicable rules and regulations governing the operation of flights into, within, and out of the territory of the Republic of the Niger.

### *Article IX*

#### MAINTENANCE OF THE PREMISES, ALTERATIONS AND INSURANCE

#### Section 20

The Organization shall keep the premises in good condition and shall make the necessary repairs for this purpose, except for such repairs as may be required by major structural damage, for which the Government shall be responsible.

#### Section 21

The Government shall, if it deems it advisable, take out insurance for the protection of the premises, including the furnishings.



## Section 22

The Organization shall be entitled to make alterations to the premises and to erect any construction or fixed installations therein, after consultations with the Government on the manner in which such changes will be carried out and the means to finance them.

## Section 23

The Organization shall provide passes for entry into the premises to duly authorized employees of the Government or of its agencies or subdivisions for the purpose of inspecting, repairing, maintaining, constructing or relocating utilities, conduits, mains and sewers within the premises.

*Article X*

## LIABILITY FOR LOSS, INJURY, ETC.

## Section 24

The Government shall not be liable for any injury, loss or damage suffered by the Organization or by its agents, invitees or licensees arising solely and exclusively from the fault of the Organization or its agents in the operation of the premises.

*Article XI*

## USE OF THE CONFERENCE BUILDING BY THE GOVERNMENT

## Section 25

Whenever the use of the conference building, as described in annex I of this Agreement, is not required for the needs of the Organization, the latter may make the accommodations which the said building comprises available to the Government, on the following terms :

- (a) The conference building shall be made available to the Government only for such international conferences as the Government may wish to convene at Niamey independently of United Nations conferences or for meetings of international bodies outside the United Nations family.
- (b) The Government shall notify the Director of its requirements for accommodations sufficiently in advance and may use the conference building only after written consent by the Director stating the dates on which the building may be so used or in accordance with a general meetings schedule accepted in advance by the Organization and the Government following consultations between the Director and the representatives of the Government.

- (c) During the periods in which the conference building is made available to the Government under the terms of this article, control and authority over the said building shall be transferred to the Government and the provisions of article III, sections 4 and 5, shall not apply with respect to the building.
- (d) During the periods in which the conference building is made available to the Government under the terms of this article, the Organization shall not be liable for any injury, loss or damage suffered by the Government or by its agents, invitees, or licensees, arising from the use of the said building.
- (e) During the periods in which the conference building is made available to the Government, the latter shall be responsible for the working expenses of the building. Reimbursement of the amounts due to the Organization in this respect shall be the subject of special arrangements between the Director and the Government.

### *Article XII*

#### TERMINATION

##### Section 26

In the event that this Agreement is terminated :

1. The Organization shall surrender the premises, including the furnishings, to the Government in as good condition as reasonable wear and tear will permit.
2. The Organization shall restore the premises to the shape and state they were in when received, if alterations, constructions or fixed installations under section 22 of this Agreement impair the usefulness of the premises for the purposes of offices or meetings. In any other event, the Organization shall be under no obligation to restore and the Government shall pay the United Nations the then fair value of alterations, constructions or fixed installations paid for entirely by the Organization.

### *Article XIII*

#### INTERPRETATION AND APPLICATION

##### Section 27

The provisions of the General Convention and of this Agreement shall, where they relate to the same subject matter, be treated wherever possible as complementary, so that the provisions of both shall be applicable and neither shall narrow the effect of the other ; but in any case of absolute conflict, the provisions of this Agreement shall prevail.

## Section 28

This Agreement shall be interpreted in the light of its primary purpose to enable the sub-regional office fully and efficiently to discharge its responsibilities and to fulfil its objectives.

*Article XIV*

## SETTLEMENT OF DISPUTES

## Section 29

Any dispute between the Organization and the Government concerning the interpretation or application of this Agreement or of any supplementary agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General of the United Nations, one to be named by the Government, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

*Article XV*

## GENERAL PROVISIONS

## Section 30

This Agreement shall cease to be in force twelve months after either of the parties shall have given notice in writing to the other of its decision to terminate the Agreement, except as regards those provisions which may apply to the normal cessation of the activities of the sub-regional office in the Niger.

## Section 31

This Agreement shall enter into force upon notification by the Government to the Organization that the Agreement has been ratified in accordance with the constitutional processes of the Republic of the Niger.

DONE in the French language in duplicate at Niamey on 20 November 1963.

For the United Nations :

R. K. A. GARDINER  
Executive Secretary  
of the Economic Commission  
for Africa

For the Government  
of the Republic of the Niger :

COURMO BARCOUGNE  
Minister of Finance  
and Economic Affairs

## ANNEX I

LAND, BUILDINGS, APPURTENANCES AND INSTALLATIONS OF THE SUB-REGIONAL OFFICE  
OF THE UNITED NATIONS ECONOMIC COMMISSION FOR AFRICA AT NIAMEY*Article 1*

The boundaries of the land and the building plans for the premises shall be as described in the attached plan.

*Article 2*

The premises shall form a rectangle of approximately 240 metres from east to west and 200 metres from north to south, surrounded by three streets, being street No. 8 on the east, and unnamed streets on the south and west.