

No. 19182

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**WORLD METEOROLOGICAL ORGANIZATION  
and  
BURUNDI**

**Agreement concerning the World Meteorological Organization (WMO) Regional Office for Africa in the Republic of Burundi (with protocol). Signed at Geneva on 1 October 1980**

*Authentic text: French.*

*Registered by the World Meteorological Organization on 22 October 1980.*

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**ORGANISATION MÉTÉOROLOGIQUE MONDIALE  
et  
BURUNDI**

**Accord relatif au Bureau régional de l'Organisation météorologique mondiale (OMM) pour l'Afrique dans la République du Burundi (avec protocole). Signé à Genève le 1<sup>er</sup> octobre 1980**

*Texte authentique : français.*

*Enregistré par l'Organisation météorologique mondiale le 22 octobre 1980.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BURUNDI AND THE WORLD METEOROLOGICAL ORGANIZATION CONCERNING THE WMO REGIONAL OFFICE FOR AFRICA IN THE REPUBLIC OF BURUNDI

The Government of the Republic of Burundi (hereinafter referred to as “the Government”), on the one hand, and the World Meteorological Organization (hereinafter referred to as “the Organization”), on the other,

Noting the decision adopted by the Eighth World Meteorological Congress concerning the transfer of the WMO Regional Office for Africa to a location in the African Region,

Noting the offer made by the Government of the Republic of Burundi to accept the location of the WMO Regional Office for Africa in the city of Bujumbura, capital of the Republic of Burundi,

Desiring to conclude an agreement governing the juridical status of the Organization's Regional Office for Africa in the Republic of Burundi,

Desiring to specify the privileges, immunities and facilities to be granted by the Government to the Organization, the representatives of its Members and its officials, and

Desiring to settle other related questions,

Have agreed as follows:

*Article 1. DEFINITIONS*

1.1. For the purposes of this Agreement and its Protocol on Implementation:

(a) The words “property, funds and assets” in the Convention on the Privileges and Immunities of the United Nations<sup>2</sup> include the property, funds and assets administered by the Organization in the exercise of its constitutional functions.

(b) The word “Members” means the Members of the WMO Regional Association for Region I (Africa).

(c) The words “representatives of Members” in the Convention on the Privileges and Immunities of the United Nations cover all the representatives, delegates, deputy delegates, alternates, advisers, technical experts, consultants and secretaries of Members' delegations, irrespective of the relations existing between the Republic of Burundi and those Members.

(d) The word “communications” in the Convention on the Privileges and Immunities of the United Nations includes all the Organization's correspondence by mail, telegraph and telephone.

(e) The words “Secretary-General” in the Convention on the Privileges and Immunities of the United Nations mean the “Secretary-General of the Organization”.

<sup>1</sup> Came into force on 1 October 1980 by signature, in accordance with article 13 (1).

<sup>2</sup> United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

(f) The words “United Nations” in the Convention on the Privileges and Immunities of the United Nations mean “the Organization”.

(g) The words “Regional Office” mean the “WMO Regional Office for Africa”.

(h) The words “Regional Director” mean the “WMO Regional Director for Africa”.

(i) The word “officials” includes “the international staff recruited by the Organization and in particular the Regional Director, consultants and experts”.

#### *Article 2. SCOPE OF THE AGREEMENT*

2.1. The provisions of this Agreement shall apply to the activities of the Regional Office as determined by the Organization. All other relations between the Organization and the Republic of Burundi shall be governed by the procedures established between WMO and its Members.

2.2. Without prejudice to the implementation of the rules laid down in this Agreement, and in pursuance of the provisions of the Convention on Privileges and Immunities which apply to WMO under the said Agreement, the Organization shall possess the legal capacity necessary in the Republic of Burundi for the exercise of the functions of the Regional Office. It shall also enjoy the privileges and immunities necessary for the functioning of its Regional Office. The representatives of Members, as well as the officials of the Organization, shall also enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization, in accordance with the provisions laid down in sections 14, 20 and 23 of the Convention on the Privileges and Immunities of the United Nations.

#### *Article 3. INTERPRETATION*

3.1. This Agreement shall be interpreted in accordance with articles 31 and 32 of the Vienna Convention on the Law of Treaties.<sup>1</sup>

3.2. The French version of this Agreement shall be the authentic text.

3.3. In the case of disagreement concerning the application or interpretation of the Convention on the Privileges and Immunities of the United Nations and of this Agreement, the provisions of the latter shall prevail.

#### *Article 4. FREEDOM OF ACTION AND REUNION*

4.1. The Government guarantees the Organization, in the Republic of Burundi, the independence and freedom of action to which it is entitled as an international institution.

4.2. The Regional Office shall enjoy complete freedom of assembly in the Republic of Burundi, including freedom of discussion and decision, in connection with the normal functions of the Organization.

#### *Article 5. OFFICIALS*

5.1. The Secretary-General, or the Regional Director acting as his duly authorized representative, shall determine, by agreement with the Government:

(a) The various categories of officials which shall have the benefit of the provisions of sections 4 and 6 of the Protocol on Implementation;

<sup>1</sup> United Nations, *Treaty Series*, vol. 1155, p. 331.

(b) The extent of the immunities, privileges and facilities applicable to each of the said categories.

In addition, the Regional Director shall provide the Government, in good time, with an up-to-date list of the above-mentioned officials indicating the categories to which they belong.

5.2. In accordance with section 19 of the Convention on the Privileges and Immunities of the United Nations, the Secretary-General and senior officials of the categories designated by him and approved by the Government shall, in addition to the immunities and privileges specified in article 5.1 of this Agreement, be accorded in respect of themselves, their spouses and minor children, the privileges, immunities, exemptions and facilities accorded to diplomatic envoys.

*Article 6. ACCESS TO THE WMO REGIONAL OFFICE IN BURUNDI*

6.1. The Government of Burundi shall take all measures necessary to facilitate the customary procedures for persons in transit, proceeding from and travelling to the Regional Office who are called upon to exercise their official functions or invited to go there by the Organization or the Regional Office.

6.2. The Secretary-General and the senior officials mentioned in article 5.2 of this Agreement shall, when travelling on official business, be accorded the same facilities as are accorded to diplomatic envoys.

*Article 7. ABUSES OF PRIVILEGE*

If the Government considers that there has been an abuse of a privilege or immunity conferred by this Agreement, consultations shall be held between the Government and the Organization to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the Government and the Organization, the question whether an abuse of a privilege or immunity has occurred shall be submitted to the International Court of Justice. If the International Court of Justice finds that such an abuse has occurred, the Government shall have the right, after notification to the Organization, to withhold from the Organization the benefits of the privilege or immunity so abused.

*Article 8. SERVICES*

With regard to the provision of public services by Government departments or bodies under its control, the Government shall make every effort to ensure that such services are provided at favourable rates and favourable terms.

*Article 9. NATIONAL SECURITY*

Nothing in this Agreement shall be construed as preventing the Government from taking every appropriate precaution in the interests of the security of the Republic of Burundi and the preservation of public order.

*Article 10. NON-RESPONSIBILITY OF BURUNDI*

The Republic of Burundi shall not incur, as a result of the activity of the Organization in its territory, any international responsibility of any kind for the acts or omissions of the Organization or of those of its officials acting or failing to act in the performance of their duties.

*Article 11.* IMPLEMENTATION

The Ministry of Foreign Affairs shall be responsible for the implementation of this Agreement, on behalf of the Government of the Republic of Burundi.

*Article 12.* SETTLEMENT OF DISPUTES

12.1. The Organization shall make appropriate provisions for the satisfactory settlement of:

- (a) Disputes arising out of contracts or other disputes of a private character to which the Organization is a party;
- (b) Disputes involving any official of the Organization who enjoys immunity by reason of his official position, if immunity has not been waived by the Secretary-General in accordance with the provisions of sections 20 and 23 of the Convention on the Privileges and Immunities of the United Nations.

12.2. Any disagreement between the Organization and the Government concerning the interpretation or application of this Agreement, of its Protocol of Execution or of any supplementary agreement or arrangement which shall not have been settled by negotiation, shall be referred to a panel of arbitrators having three members. The first shall be appointed by the Government, the second by the Secretary-General and the third, who shall be the Chairman of the panel of arbitrators, by the President of the International Court of Justice, unless, in any specific case, the parties to this Agreement agree to have recourse to a different mode of settlement. Matters may be referred to the panel of arbitrators by either party, by means of a written application, and the panel shall determine its own procedures.

*Article 13.* FINAL PROVISIONS

13.1. This Agreement shall enter into force immediately after it has been signed by the Government and by the Secretary-General.

13.2. Immediately after the entry into force of this Agreement, the Secretary-General of the World Meteorological Organization shall transmit the text to the Secretary-General of the United Nations for registration in accordance with article 1 of the Regulations adopted by the United Nations General Assembly on 14 December 1946, for the purpose of giving effect to Article 102 of the United Nations Charter.<sup>1</sup>

13.3. Each of the Contracting Parties may inform the other of its intention to denounce this Agreement, provided that at least six months' notice is given.

13.4. This Agreement may be revised at the request of either Party.

13.5. Unless one of the Parties exercises its rights in accordance with the provisions of article 13.3 or article 13.4, this Agreement shall be automatically renewed at the end of each four-year financial period of the Organization, i.e., on 31 December 1983 for the current period.

13.6. Denunciation of this Agreement:

- (i) Relieves both Parties of any obligation to continue to apply this Agreement;
- (ii) Does not affect any right, obligation or legal position of the Parties resulting from the operation of this Agreement prior to denunciation.

13.7. The provisions of this Agreement are supplemented by the Protocol on Implementation.

<sup>1</sup> United Nations, *Treaty Series*, vol. 859, p. VIII.

IN WITNESS WHEREOF, this Agreement has been concluded and signed at Geneva on 1 October 1980, in duplicate in the French language; one copy of the text has been given to the representative of the Republic of Burundi and another to the Secretary-General of the World Meteorological Organization.

For the Government  
of the Republic of Burundi:

TERENCE SANZE  
Ambassador

Permanent Representative of the Republic of Burundi to the international organizations at Geneva

For the World Meteorological  
Organization:

A. C. WIIN-NIELSEN  
Secretary-General

## PROTOCOL ON THE IMPLEMENTATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BURUNDI AND THE WORLD METEOROLOGICAL ORGANIZATION CONCERNING THE WMO REGIONAL OFFICE FOR AFRICA IN THE REPUBLIC OF BURUNDI

### *Section 1. FREE ACCESS TO FUNDS*

National regulations in force with regard to currency and financial matters shall not adversely affect the Organization or the Regional Office, which may, on behalf of the former, hold accounts in all currencies, freely transfer funds, currencies, legal tender and other transferable securities from the Republic of Burundi to other countries, and convert into another currency all currencies and legal tender possessed by the Organization or the Regional Office in Burundi. However, the Organization shall pay any charges for services provided in this connection.

### *Section 2. COMMUNICATIONS*

The Organization shall enjoy, for its communications to the press, radio and television, treatment not less favourable than that accorded by the Government to all other Governments, including their diplomatic missions, in the matter of priorities, rates and charges for mails, telegrams, telephone and other communications.

### *Section 3. IDENTITY CARD*

The Government shall supply the Organization with an identity card bearing the photograph of the holder for each official who is assigned to the Regional Office for a period of not less than six months. This card, validated by the Government and the Organization, shall serve as the credentials of the official *vis-à-vis* all governmental authorities of the Republic of Burundi.

### *Section 4. OFFICIALS*

4.1. All officials, whatever their nationality, have the benefit of the following immunities and facilities:

- (a) Immunity from legal process for acts resulting from the exercise of their functions;
- (b) Exemption from all direct and indirect Burundi taxes on the salaries, emoluments and allowances which they receive from the Organization.

4.2. Officials who are not of Burundi nationality shall, in addition, have the benefit of the following exemptions and facilities:

- (a) Exemption from currency exchange restrictions on the same terms as those accorded to members of diplomatic missions of comparable rank who are accredited to the Government;
- (b) Exemption in respect of themselves, their spouses and dependent family members, from immigration restrictions and alien registration requirements;
- (c) In the event of an international crisis, repatriation facilities for officials and their families, identical with those accorded to members of diplomatic missions of comparable rank who are accredited to the Government.

4.3. In addition, officials who are not of Burundi nationality and who are assigned to the Office for a period of not less than one year shall have the benefit of the following exemptions and facilities:

- (a) Exemption from direct and indirect Burundi taxes in accordance with the existing practices in respect of the non-Burundi staff of international agencies in Burundi;
- (b) The right to import their furniture and personal effects, free of customs duties, on one or more occasions during the six months following the date on which they take up their duties, together with certain goods intended for their personal consumption (food products, beverages, etc.), a list of which shall be drawn up by agreement with the Government; however, the Organization shall be responsible for the payment of expenses for any services provided in this connection;
- (c) The right to import a duty-free motor vehicle for personal use once every three years, subject to payment of customs duties on the depreciated value of the vehicle in the event that it should be sold or otherwise transferred, unless the person acquiring the vehicle also has the benefit of this exemption.

#### *Section 5. ABUSES OF PRIVILEGE*

Representatives of Members, and officials who are not of Burundi nationality, who abuse the privilege of residence by engaging in the country in activities which are outside their official functions may be required by the Government to leave the country, in accordance with the procedure laid down in section 25 of the Convention on the Privileges and Immunities of the Specialized Agencies.<sup>1</sup>

#### *Section 6. VISAS, RESIDENCE PERMITS, UNITED NATIONS LAISSEZ-PASSER*

6.1. The Government shall take all measures necessary to facilitate the entry into, stay in and departure from the territory of the Republic of Burundi of all persons called upon in an official capacity to present themselves at the Organization, namely:

- (i) The representatives of Members;
- (ii) Officials;
- (iii) All other persons, whatever their nationality, summoned or invited by the Organization.

<sup>1</sup> United Nations, *Treaty Series*, vol. 33, p. 261. For the final and revised texts of annexes published subsequently, see vol. 71, p. 318; vol. 79, p. 326; vol. 117, p. 386; vol. 275, p. 298; vol. 314, p. 308; vol. 323, p. 364; vol. 327, p. 326; vol. 371, p. 266; vol. 423, p. 284; vol. 559, p. 348; vol. 645, p. 340; vol. 1057, p. 320, and vol. 1060, p. 337.

6.2. Police regulations aimed at restricting the entry of aliens into the Republic of Burundi or at regulating the conditions of their stay shall not apply to the persons covered by this section.

6.3. The persons referred to in this section shall not be exempted from the observance of regulations with regard to quarantine and public health.

6.4. The provisions of this section shall apply to the spouse and children of the person concerned if they live with him and do not carry on any profession or independent occupation.

6.5. The Government recognizes and accepts as a valid travel document the United Nations laissez-passer issued to officials and the United Nations family certificate issued to their dependants, in accordance with the administrative arrangements drawn up between the Secretary-General of the World Meteorological Organization and the Secretary-General of the United Nations.

#### *Section 7. SECURITY OF PREMISES*

7.1 The Government shall provide the necessary policing for the protection of the premises of the Organization and the preservation of order in the immediate vicinity of those premises.

7.2. Whenever it is established or there are serious reasons to suspect that persons wanted for crimes, offences against the law or breaches of State security are on the said premises, or that unauthorized persons have entered those premises by force, or have illegally brought documents or objects into them, the Secretary-General, or the Regional Director on his behalf, shall make arrangements with the Government authorities with a view to waiving the immunity granted under sections III and IV of the Convention on the Privileges and Immunities of the United Nations.

#### *Section 8. NATIONAL SECURITY*

8.1. Should it be deemed necessary to apply the provisions of article 9 of the Agreement, the Government shall establish contact with the Organization, as soon as circumstances permit, with a view to deciding, by common agreement, on the measures necessary for the protection of the interests of the Organization.

8.2. The Organization shall co-operate with the Government authorities in order to prevent any adverse effects on the security of Burundi resulting from the Organization's activities.

#### *Section 9. FLAG AND EMBLEM OF WMO*

9.1. The Code and regulations relating to the flag of WMO shall apply to this Protocol on Implementation.

9.2. The name and official emblem of the Organization may be displayed on the main premises of the Regional Office, as well as on its official vehicles.

#### *Section 10. SETTLEMENT OF DISPUTES*

10.1. The disputes specified in article 12.1 (a) of the Agreement shall be settled in accordance with the rules and general principles of private international law.

10.2. The disputes specified in article 12.1 (b) of the Agreement shall be settled in accordance with the procedures established by the provisions of article 12.2 of the Agreement.



*Section 11.* FINAL PROVISIONS

This Protocol on Implementation may be revised at the request of either party, without prejudice to the provisions of the Agreement.

IN WITNESS WHEREOF this Protocol on Implementation has been concluded and signed at Geneva on 1 October 1980, in duplicate in the French language; one copy of the text has been given to the representative of the Republic of Burundi and another to the Secretary-General of the World Meteorological Organization.

For the Government  
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Permanent Representative of the Republic  
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