

No. 25895

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**UNITED NATIONS  
(UNITED NATIONS HIGH COMMISSIONER  
FOR REFUGEES)**

**and  
MALAWI**

**Agreement concerning the establishment of the United Nations High Commissioner for Refugees branch office in Malawi. Signed at Lilongwe on 28 April 1988**

*Authentic text: English.*

*Registered ex officio on 28 April 1988.*

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**ORGANISATION DES NATIONS UNIES  
(HAUT COMMISSARIAT DES NATIONS UNIES  
POUR LES RÉFUGIÉS)**

**et  
MALAWI**

**Accord concernant l'établissement d'une délégation du Haut Commissariat des Nations Unies pour les réfugiés au Malawi. Signé à Lilongwe le 28 avril 1988**

*Texte authentique : anglais.*

*Enregistré d'office le 28 avril 1988.*

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE REPUBLIC OF MALAWI AND THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES CONCERNING ESTABLISHMENT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES BRANCH OFFICE IN MALAWI

Whereas the Government of the Republic of Malawi, hereinafter referred to as “the Government”, and the Office of the United Nations High Commissioner for Refugees, hereinafter referred to as “the UNHCR”, have agreed to the establishment of a UNHCR Branch Office and sub-office in Malawi;

And whereas the Government undertakes to assist the UNHCR in accordance with paragraph 2 of the General Assembly Resolution 428 (v) of 14 December, 1950<sup>2</sup> which calls upon States Parties to the United Nations Organization to co-operate with the United Nations High Commissioner for Refugees in the performance of his functions;

Now therefore, the parties hereto agree as follows:

*Section I. ESTABLISHMENT OF THE BRANCH OFFICE*

*Article 1*

The UNHCR shall establish a Branch Office in the City of Lilongwe and a sub-office in the city of Blantyre for the purpose of performing his functions under the Statute of the UNHCR.

*Section II. STATUS OF THE UNHCR BRANCH OFFICE*

*Article 2*

The premises of the UNHCR Branch Office and sub-office and the residence of the UNHCR Resident Representative and his Deputy shall be inviolable.

*Article 3*

The appropriate authorities of the Government shall ensure the security and protection of:

- (a) The premises of the UNHCR Branch Office and sub-office; and
- (b) The residences of the UNHCR Resident Representative and his Deputy.

*Article 4*

The Resident Representative of the UNHCR or other members of staff designated by him, shall, for the effective performance of the functions referred to in Article 1, have direct access to asylum seekers and refugees present on Malawi territory.

<sup>1</sup> Came into force on 28 April 1988 by signature, in accordance with article 11.

<sup>2</sup> United Nations, *Official Records of the General Assembly, Fifth Session, Supplement No. 20 (A/1775)*, p. 46.

### Section III. OFFICIALS OF THE UNHCR

#### Article 5

The Government grants to the organisation, its staff, funds, property and assets the immunities and privileges under the provisions of the Convention on the Privileges and Immunities of the specialised Agencies.<sup>1</sup> The Representative shall enjoy the treatment accorded, under the Immunities and Privileges Act of Malawi, to Heads of Diplomatic Missions. The Government also agrees to grant to the UNHCR Representative and his staff privileges and immunities not less favourable than those granted to any other comparable international organisation as listed in the said Act, and its staff of comparable rank in Malawi.

Provided that UNHCR officials who are citizens of, or permanently resident in Malawi shall not enjoy the foregoing immunities and privileges save those relating to immunity from legal suit in connection with the discharge of their official functions, and immunity from seizure of official baggage.

#### Article 6

The immunities and privileges in this Agreement are solely for the purpose of carrying out effectively the functions of the UNHCR Branch Office. The UNHCR shall have the right and duty to waive the immunity of any staff member, his spouse or dependent relative where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of his Office.

#### Article 7

Without prejudice to the immunities and privileges accorded by this Agreement, it shall be the duty of all persons enjoying such immunities and privileges to respect the laws and regulations of Malawi.

### Section IV. FINAL PROVISIONS

#### Article 8

Amendments to this Agreement shall be agreed upon by the Parties hereto and shall be effected through an exchange of Notes and such Notes shall form an integral part of this Agreement.

#### Article 9<sup>2</sup>

This Agreement may be terminated if

(a) Either party gives written notice of termination to the other and shall terminate sixty days after receipt of such notice;

(b) The Government denounces the 1951 United Nations Convention Relating to the Status of Refugees<sup>3</sup> under Article 44 thereof.

<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.

<sup>2</sup> The wording and the format of article 9 as originally drafted did not conform to the Parties' real intent. Rectifications were accordingly agreed upon by the Parties as reflected in a Procès-verbal of rectification of 31 May 1988. The text of article 9 as published above incorporates those rectifications.

<sup>3</sup> United Nations, *Treaty Series*, vol. 189, p. 137.

Provided that the obligations assumed by the Government shall survive the expiration or termination of this Agreement to the extent necessary to permit orderly termination of operations and withdrawal of personnel, funds and property of the Office of the UNHCR.

*Article 10*

This Agreement shall be governed by, and construed in accordance with the laws of Malawi and applicable rules of International Law.

*Article 11*

This Agreement shall enter into force on the date of signature.

IN WITNESS WHEREOF the authorised representatives of the Parties hereto have signed this Agreement on this 28th day of April, 1988 at Lilongwe in two counterpart originals in the English language.

For the Office  
of the United Nations  
High Commissioner for Refugees:

[Signed — Signé]<sup>1</sup>

For the Government  
of the Republic of Malawi:

[Signed — Signé]<sup>2</sup>

<sup>1</sup> Signed by J. P. Hocké — Signé par J. P. Hocké.

<sup>2</sup> Signed by E. C. I. Bwanali — Signé par E. C. I. Bwanali.