

**No. 26502**

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**UNITED NATIONS  
and  
SPAIN**

**Agreement relative to the establishment of a branch office of  
the United Nations High Commissioner for Refugees in  
Madrid. Signed at Madrid on 14 March 1988**

*Authentic texts: English and Spanish.*

*Registered ex officio on 10 April 1989.*

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**ORGANISATION DES NATIONS UNIES  
et  
ESPAGNE**

**Accord relatif à la création d'une délégation du Haut Com-  
missariat des Nations Unies pour les réfugiés à Madrid.  
Signé à Madrid le 14 mars 1988**

*Textes authentiques : anglais et espagnol.*

*Enregistré d'office le 10 avril 1989.*

## AGREEMENT<sup>1</sup> BETWEEN THE UNITED NATIONS ORGANIZATION AND SPAIN RELATIVE TO THE ESTABLISHMENT OF A BRANCH OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES IN MADRID

The United Nations Organization and the Government of Spain (hereinafter called “the Government”), aware of the obligation of the United Nations High Commissioner for Refugees (UNHCR) to provide international protection to refugees, and recognising the need for a UNHCR Representative for Spain, with local competence,

1. Considering that the United Nations Organization and the Government agree to establish a UNHCR Branch Office (hereinafter called “the Branch Office”) in Spain, under the terms of a prior understanding between the High Commissioner for Refugees and the Minister of Foreign Affairs of Spain, for the purpose of facilitating the task of the local Representative of the UNHCR appointed to this effect,

2. Considering that the Government undertakes to assist the UNHCR in obtaining all the necessary facilities for the operation of the Branch Office in accordance with the provisions of Article 35 of the Geneva Convention on the Status of Refugees<sup>2</sup> and paragraphs 1 and 2 of General Assembly Resolution 428 (V) of December 14, 1950,<sup>3</sup> in which governments are called upon to co-operate with the United Nations High Commissioner for Refugees in the performance of his functions concerning the refugees falling under the competence of his Office,

3. Considering that the Office of the High Commissioner is a subsidiary body of the General Assembly, established under Article 22 of the United Nations Charter, and therefore an integral part of the United Nations,

4. Considering that the General Convention on Privileges and Immunities of the United Nations, adopted by the General Assembly on February 13, 1946,<sup>4</sup> to which Spain is a party, applies to the local branch offices of the High Commissioner’s Office which form an integral part of the Office of the UNHCR,

5. Considering that it is desirable to enter into an agreement in order to regulate the questions arising from the establishment of the UNHCR Branch Office in Spain,

Have agreed as follows:

### *Section I. ESTABLISHMENT OF THE BRANCH OFFICE*

#### *Article 1*

A UNHCR Branch Office shall be established in the City of Madrid, Spain, in order to perform the functions assigned to it by the United Nations General Assembly within the framework of the Office of the United Nations High Commissioner.

<sup>1</sup> Came into force on 10 April 1989, the date of the last of the notifications by which the Parties informed each other (on 5 and 10 April 1989) of the completion of the internal procedures, in accordance with article 19.

<sup>2</sup> United Nations, *Treaty Series*, vol. 189, p. 137.

<sup>3</sup> United Nations, *Official Records of the General Assembly, Fifth Session, Supplement No. 20 (A/1775)*, p. 46.

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

## *Section II. STATUS OF THE BRANCH OFFICE*

### *Article 2*

The Branch Office's premises and the residence of the High Commissioner's Representative in Spain shall be inviolable.

### *Article 3*

The Government shall exercise all due diligence in order to guarantee the security and protection of the premises of the Branch Office and its personnel.

### *Article 4*

The Representative or any official appointed by him shall have access to applicants for asylum and refugees in Spain or at its borders, in compliance with the functions defined in the United Nations General Assembly Resolution 428 (V) of December 14, 1950.

### *Article 5*

The Government shall ensure that all the necessary public services are made available to the Branch Office on equitable terms. The Branch Office shall enjoy, in respect of the use of telephone, radio and postal services, treatment not less favourable than that normally accorded to diplomatic missions accredited in Madrid.

## *Section III. FACILITIES AND SERVICES*

### *Article 6*

The Government shall provide suitable premises free of charge and shall be responsible for the expenses incurred in connection with their maintenance.

## *Section IV. OFFICIALS OF THE BRANCH OFFICE*

### *Article 7*

The Head of the Branch Office shall be appointed by the United Nations High Commissioner for Refugees and must have the approval of the Spanish Government in order to carry out his duties. Pursuant to the provisions of Section 17, Article V of the General Convention on Privileges and Immunities of the United Nations, the Government must be notified periodically of any changes in the composition of the staff of the Branch Office.

The officials of the Branch Office, except general services personnel or similar categories hired locally, shall enjoy the following privileges and immunities in and with respect to Spain:

- a) Immunity from any jurisdiction in respect of words, written communication or acts carried out by them in the performance of their official duties;
- b) Immunity from seizure of their official baggage;
- c) Immunity from inspection of their official baggage;
- d) Exemption from any kind of taxes on the salaries and emoluments paid to them by the United Nations;

e) Exemption for themselves, their spouses, dependent family members, other family members living in their homes and their domestic staff, from immigration restrictions and alien registration;

f) Immunity from national service obligations;

g) The same privileges in respect of foreign currency exchange as are accorded to officials of comparable rank in the diplomatic missions accredited in Madrid. In particular, the United Nations officials shall be entitled, on terminating their appointment in Spain, to take out of Spain through the authorised channels, without prohibition or restriction, such amounts as they brought into Spain, as well as any other financial resources of which they are duly able to prove that they are in legitimate possession;

h) Protection and repatriation facilities for themselves, their spouses, dependent family members, other family members living in their homes and their domestic staff the same as those granted in times of international crisis to the diplomatic representatives accredited in Madrid; and

i) The right to import for their personal use, free of taxes and other obligations, prohibitions and import restrictions:

- 1) Their furniture and personal effects in one or several separate shipments, and later on the necessary supplements thereto, including motor vehicles, in accordance with the Spanish law applicable to diplomatic representatives accredited in Madrid;
- 2) Reasonable amounts of certain articles for their personal use or consumption, not to be given away or sold, in accordance with the Spanish law applicable to diplomatic representatives accredited in Madrid.

### *Article 8*

Apart from the privileges and immunities mentioned in Article 7, the High Commissioner's Representative in Spain shall enjoy for himself, his spouse and his dependent family members, the privileges, immunities, exemptions and facilities normally granted to diplomatic envoys of similar rank. To this effect, the Ministry of Foreign Affairs of Spain shall include him on the list of diplomatic representatives accredited in Madrid.

### *Article 9*

Delegation officials of the general services staff or similar categories hired locally shall only enjoy, in and with respect to Spain, the privileges and immunities mentioned in clauses a), d) and f) of Article 7 of this Agreement. These officials shall also enjoy the other privileges and immunities to which they may be entitled under Article V, Section 18 and Article VII of the Convention.

### *Article 10*

The privileges and immunities provided under the Agreement are only granted with a view to ensuring the effective fulfillment of the UNHCR's aims and purposes. The High Commissioner shall have the right and the duty to waive the immunity of any official when, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the UNHCR.

### *Article 11*

The Branch Office and the Government shall co-operate at all times in order to facilitate the proper administration of justice, assure the observance of police regulations and prevent any abuse in connection with the privileges, exemptions, immunities and facilities provided under this Agreement.

## *Section V. SETTLEMENT OF DISPUTES*

### *Article 12*

With respect to disputes of a private nature, the Branch Office shall make provisions for appropriate modes of settlement of:

a) Disputes arising out of contracts or other disputes of a private law character to which the Branch Office is a party;

b) Disputes involving any Branch Office official who, by reason of his special status, enjoys immunity, if immunity has not been waived under the provisions of Article 10.

### *Article 13*

With regard to differences that may arise in respect of the interpretation or application of this Agreement, the Parties shall abide by the provisions of Section 30, Article VIII, of the United Nations Convention on Privileges and Immunities adopted by the United Nations General Assembly on February 13, 1946.

## *Section VI. GENERAL PROVISIONS*

### *Article 14*

The provisions of the United Nations Convention on Privileges and Immunities, to which Spain acceded on July 31, 1974, shall be fully applicable to the Branch Office. The provisions of this Agreement shall supplement, whenever possible, those of the Convention concerning the same subject, in such a way that both may be applicable and neither may restrict the scope of the other.

### *Article 15*

This Agreement shall be interpreted in the light of its main purpose, which is that of enabling the UNHCR Branch Office in Madrid to carry out its functions and fulfil its aims completely and effectively.

### *Article 16*

Spain shall incur no international liability whatsoever in connection with the Branch Office's activities in Spain, on account of acts and omissions by the Branch Office or its officials who may act or fail to do so within the limits of their functions.

### *Article 17*

i) This Agreement may be amended as a result of consultations held at the request of the UNHCR or the Spanish Government. Any amendment must be decided on in common agreement.

ii) The United Nations Organization and the Spanish Government may enter into such supplementary agreements as they may deem pertinent.

*Article 18*

This Agreement shall enter into force for a period of five years, with the possibility thereafter of being successively renewed for a further five years at the end of each period. However, it may be denounced by either of the parties at any time, such denouncement becoming effective one year after notification to the other party of the intention to end the Agreement.

*Article 19*

This Agreement shall enter into force on the date on which the instruments accrediting observance by each Party of its internal provisions relative to international treaties are exchanged.

IN WITNESS WHEREOF, the undersigned, duly authorised representatives of the United Nations Organization and the Government respectively, have signed this Agreement in two copies, in English and Spanish, both of which are equally authentic.

DONE in Madrid on March, the 14th, 1988.

For the United Nations  
Organization:

[Signed — Signé]<sup>1</sup>

For the Government  
of Spain:

[Signed — Signé]<sup>2</sup>

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<sup>1</sup> Signed by Frank E. Krenz — Signé par Frank E. Krenz.

<sup>2</sup> Signed by Fernandez Ordoñez — Signé par Fernandez Ordoñez.