

No. 27137

**UNITED NATIONS
(UNITED NATIONS DEVELOPMENT PROGRAMME)
and
DENMARK**

**Agreement relating to the headquarters in Copenhagen of the
Inter-Agency Procurement Services Unit. Signed at
Copenhagen on 17 January 1989 and at New York on
25 January 1989**

Authentic text: English.

Registered ex officio on 1 March 1990.

**ORGANISATION DES NATIONS UNIES
(PROGRAMME DES NATIONS UNIES
POUR LE DÉVELOPPEMENT)
et
DANEMARK**

**Accord relatif au siège du Groupe des services d'achats inter-
organisations à Copenhague. Signé à Copenhague le
17 janvier 1989 et à New York le 25 janvier 1989**

Texte authentique : anglais.

Enregistré d'office le 1^{er} mars 1990.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF DENMARK
AND THE UNITED NATIONS DEVELOPMENT PROGRAMME
RELATING TO THE HEADQUARTERS IN COPENHAGEN OF
THE INTER-AGENCY PROCUREMENT SERVICES UNIT

The Government of Denmark and the United Nations
Development Programme,

CONSIDERING that the United Nations Development Programme
has accepted the offer of the Government of Denmark to pro-
vide expanded facilities in Copenhagen for the Inter-Agency
Procurement Services Unit;

CONSIDERING that the Convention on the Privileges and
Immunities of the United Nations, adopted by the General
Assembly of the United Nations on 13 February 1946,² to which
Denmark became a party on 10 June 1948, is ipso facto appli-
cable to the Inter-Agency Procurement Services Unit;

CONSIDERING that it is desirable to conclude an agreement,
complementary to the Convention on the Privileges and Immuni-
ties of the United Nations, to regulate questions not envi-
saged in that convention arising as a result of the establish-
ment of the Inter-Agency Procurement Services Unit in
Copenhagen;

Have agreed as follows:

ARTICLE I

Definitions

In the present Agreement,

- (a) The expression "UNDP" means the United Nations Develop-
ment Programme;
- (b) The expression "IAPSU, Copenhagen" means UNDP, Inter-
Agency Procurement Service Unit in Copenhagen;
- (c) The expression "the Government" means the Government of
Denmark;
- (d) The expression "Headquarters" means the premises occupied
by IAPSU, Copenhagen in accordance with provisions set
forth from time to time in supplementary agreements;

¹ Came into force on 25 January 1989 by signature, in accordance with article XIII (3).

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

- (e) The expression "Administrator" means the Administrator of UNDP or his authorized representative;
- (f) The expression "officials of UNDP" means the Administrator and all members of the staff of UNDP, with the exception of officials or employees who are locally recruited and assigned to hourly rates;
- (g) The expression "Director of IAPSU, Copenhagen" means the senior official in charge of IAPSU, Copenhagen;
- (h) The expression "officials of IAPSU, Copenhagen" means the Director and all members of the staff of IAPSU, Copenhagen, with the exception of officials or employees who are locally recruited and assigned to hourly rates;
- (i) The expression "Convention" means the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946.

ARTICLE II

Juridical personality and capacity

The United Nations Development Programme acting through IAPSU, Copenhagen shall have the capacity:

- (a) To contract;
- (b) To acquire and dispose of immovable and movable property;
- (c) To institute legal proceedings.

ARTICLE III

Headquarters

1. The Government recognizes the extra-territoriality of the Headquarters seat, which shall be under the control and authority of IAPSU, Copenhagen as provided in this Agreement.

2. Except as otherwise provided in this Agreement or in the General Convention, and subject to any regulation enacted under para 5, the laws of Denmark shall apply within the Headquarters seat.

3. Except as otherwise provided in this Agreement, or in the General Convention, the courts or other appropriate organs of Denmark shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the Headquarters seat.

4. The Headquarters shall be inviolable. No official of the Government shall enter the Headquarters to perform any duties except upon the consent of or at the request of the Director of IAPSU, Copenhagen and under conditions approved by him.

5. IAPSU, Copenhagen shall have the power to make regulations, operative within the Headquarters seat, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No law of Denmark which is inconsistent with a regulation of UNDP authorized by this paragraph shall, to the extent of such inconsistency, be enforceable within the Headquarters seat. Any dispute between IAPSU, Copenhagen and Denmark as to whether a regulation of UNDP is authorized by this section or as to whether a law of Denmark is inconsistent with any regulation of UNDP authorized by this paragraph, shall promptly be settled by the procedure set out in Article XII.

6. Juridicial actions, including service of legal process and the seizure of private property, shall not take place within the Headquarters, except with the consent of, and under conditions approved by the Director of IAPSU, Copenhagen.

7. Without prejudice to the provision of the Convention or this Agreement, IAPSU, Copenhagen shall prevent the Headquarters from being used as a refuge by persons who are avoiding arrest under any law of Denmark, who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process.

8. (a) The appropriate Danish authorities shall exercise due diligence to ensure that the tranquility of the Headquarters is not disturbed by any person or groups of persons from attempting unauthorized entry into or creating disturbances in the immediate vicinity of the Headquarters seat.

(b) If so requested by the Director of IAPSU, Copenhagen, the appropriate Danish authorities shall provide necessary assistance for the preservation of law and order in the Headquarters and for the removal therefrom of persons as requested by the Director of IAPSU, Copenhagen.

9. The appropriate Danish authorities shall make every possible effort to secure upon the request of the Director of IAPSU, Copenhagen, the public services needed by IAPSU, Copenhagen, including, without limitation by reason of this enumeration, postal, telephone, and telegraph services and, power, water and fire protection services. Such public services shall be supplied on equitable terms.

10. In case of any interruption or threatened interruption of the aforesaid services, the appropriate Danish authorities shall consider the needs of UNDP as being of equal importance with those of essential agencies of the Government, and shall take steps accordingly to ensure that the work of UNDP is not prejudiced.

ARTICLE IV

Freedom of access to the Headquarters

1. The competent Danish authorities shall not impede the transit to or from the Headquarters of persons holding official posts therein or of persons invited thereto in connection with the official work and activities of UNDP upon their arrival in or departure from Denmark.

2. The Government undertakes, for this purpose, to allow the entry into and residence in Denmark of the persons listed hereunder during their assignment or during the performance of their duties for UNDP, without charging visa fees and without delay as well as exemption from any requirements of exit visa formalities upon departure from Denmark of:

(a) Representatives of States, representatives of United Nations organs, specialized or related agencies, and observers from intergovernmental, non-governmental and other organizations, with which UNDP has established official relations, invited or entitled to participate in conferences or meetings convened in Denmark by UNDP including alternate representatives or observers, advisers, experts and assistants, as well as their spouses and dependent members of their families;

(b) UNDP officials and experts on missions for UNDP, as well as their spouses and dependent members of their families;

(c) Officials of the United Nations or any of its specialized or related agencies who are assigned to work for UNDP and those who have official duties with IAPSU, Copenhagen, as well as their spouses and dependent members of their families;

(d) All persons invited to the Headquarters on official business.

3. Without prejudice to the special immunities which they may enjoy, persons referred to in paragraph 2 above may not be forced by Danish authorities to leave Danish territory unless they abuse their recognized residence privileges by exercising an activity outside their official capacity, and subject to the provisions mentioned hereunder:

(a) No action to force the persons referred to in paragraph 2 above to leave Danish territory may be taken except with the prior approval of the Ministry of Foreign Affairs. Such approval shall be given only after consultation with the Administrator.

(b) Persons enjoying diplomatic privileges and immunities under this Agreement may not be requested to leave Danish territory except in accordance with the practices and procedures applicable to diplomats accredited to the Government;

(c) It is understood that persons referred to in paragraph 2 above shall not be exempt from application of quarantine or other health regulations.

ARTICLE V

Communications facilities

1. For all official postal, telephone, telegraph, telephoto and electronic communications, the Government shall accord to IAPSU, Copenhagen a treatment equivalent to that accorded to all other Governments including their diplomatic missions, or to other intergovernmental organizations in regard to any priorities, tariffs and charges on mail, cablegrams, telephotos, telephone calls and other communications, as well as such rates for news reported to the press and radio as may be accorded.

2. The Government shall secure the inviolability of the official correspondence of IAPSU, Copenhagen and shall not apply any censorship to such correspondence. Such inviolability shall extend, without limitation by reason of this enumeration to publication, still and moving pictures, films and sound recording dispatched to or by IAPSU, Copenhagen.

3. IAPSU, Copenhagen shall have the right to use codes and to dispatch and receive its correspondence and other materials by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

4. (a) The United Nations Development Programme is authorized to establish and operate at the Headquarters facilities for electronic, high frequency radio and satellite communications including point to point dedicated telecommunications circuits as and when needed for the purpose of communications with other United Nations Development Programme offices all over the world.

(b) With the agreement of the Government as may be included in a supplementary Agreement, the United Nations

development Programme may also establish and operate at the Headquarters:

- (i) its own short-wave sending and receiving radio broadcasting facilities (including emergency link equipment) which may be used on the same frequencies (within the tolerances prescribed for the broadcasting service by applicable Danish regulations) radiograph, radiotelephone and similar services;
- (ii) such other radio facilities as may be specified by supplementary agreement between the United Nations Development Programme and the appropriate Danish authorities.

(c) The United Nations Development Programme shall make arrangements for the operation of the services referred to in this Article with the International Telecommunication Union, the appropriate agencies of the Government and the appropriate agencies of other affected Governments with regard to all frequencies and similar matters.

(d) The facilities provided for in this Article may, to the extent necessary for efficient operation, be established and operated outside the Headquarters with the consent of the Government.

ARTICLE VI

Property, funds and assets

The Government shall apply to the property, funds and assets of IAPSU, Copenhagen, wherever they are and by whomsoever held the provisions of the Convention.

ARTICLE VII

Diplomatic facilities, privileges and immunities

1. Representatives of States participating in conferences and meetings convened by IAPSU, Copenhagen in Denmark shall, while exercising their functions and during their journey to and from Denmark, enjoy the privileges and immunities provided in Article IV of the General Convention.

2. Without prejudice to the provisions of Article VIII, paragraphs 1 and 3, the Administrator and the Director of IAPSU, Copenhagen shall enjoy during their residence in Denmark the facilities, privileges and immunities granted to heads of diplomatic missions accredited in Denmark.

3. Other officials having the professional grade of P.5 and above, and such additional categories of officials as may be designated, in agreement with the Government and the Administrator on the ground of the responsibilities of their positions in the IAPSU, Copenhagen, shall be accorded the same privileges and immunities, exemptions and facilities as the Government accords to members, having comparable rank, of the staff of heads of diplomatic missions accredited in Denmark.

4. The facilities, privileges and immunities granted to the representatives of States mentioned in paragraph 1 above and to the officials mentioned in paragraphs 2 and 3 above shall extend to their spouses and dependent members of their families.

ARTICLE VIII

Officials of IAPSU, Copenhagen

1. Officials of IAPSU, Copenhagen shall enjoy in Denmark the following privileges and immunities:

(a) Immunity from legal process in respect of words spoken and written and all acts performed by them in their official capacity;

(b) Immunity from seizure of their personal and official baggage;

(c) Immunity from inspection of official baggage, and if the official comes within the scope of paragraph 2 or 3 of Article VII, immunity from inspection of personal baggage;

(d) Exemption from taxation on the salaries and all other remuneration paid to them by the United Nations Development Programme;

(e) Exemption from military service obligations provided that, with respect to Danish nationals, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Administrator and approved by the Government;

(f) Exemption for themselves and for their spouses and dependent members of the families, from immigration restrictions on alien registration procedures;

(g) In regard to foreign exchange, including holding accounts in foreign currencies, enjoyment of the same facilities as are accorded to members of comparable rank of diplomatic missions accredited to the Government;

(h) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their household as are accorded in time of international crises to members, having comparable rank, of the staffs of heads of diplomatic missions accredited to Denmark;

(i) If they have been previously residing abroad, the right to import their furniture, personal effects and all household appliances, including one automobile, intended for personal use free of duty when they come to reside in Denmark, which privilege shall be valid for a period of one year from the date of arrival in Denmark;

(j) Officials of IAPSU, Copenhagen, except those who are locally recruited staff in the General Service or related categories, shall have the right to import free of custom and excise duties, limited quantities of certain articles for personal consumption (food, products, beverages, etc.) in accordance with a list to be approved by the Government of Denmark;

(k) Officials of IAPSU, Copenhagen, except those who are locally recruited staff in the General Service or related categories shall have the right, once every three years to import one motor vehicle free of customs and excise duties, including value added taxes, it being understood that permission to sell or dispose of the vehicle in the open market will normally be granted two years after its importation only. It is further understood that customs and excise duties will become payable in the event of the sale or disposal of such motor vehicle within three years after its importation to a person not entitled to this exemption.

2. The Government shall furnish persons within the scope of this Article with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to Danish Authorities.

3. The terms and conditions of employment for locally recruited personnel shall be in accordance with the relevant UNDP Regulations and Rules.

ARTICLE IX

Experts on mission for IAPSU, Copenhagen

1. Experts, on missions for UNDP, other than the officials referred to in Article VIII above, performing missions authorized by, serving on boards, committees or other organs of, or consulting at its request in any way with UNDP shall enjoy, within and with respect to Denmark, the following pri-

privileges and immunities so far as may be necessary for the effective exercise of their functions:

(a) Immunity in respect of themselves, their spouses and their dependent children from personal arrest or detention and from seizure of their personal and official baggage;

(b) Immunity from legal process of any kind with respect to words spoken or written, and all acts done by them, in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned may no longer be employed on missions for, serving on committees of, or acting as consultants for UNDP, or may no longer be present at the Headquarters attending meetings convened by UNDP;

(c) Inviolability of all papers, documents and other official material;

(d) The right, for the purpose of all communications with UNDP, to use codes and to dispatch or receive papers, correspondence or other official material by courier or in sealed bags;

(e) Exemption with respect to themselves and their spouses from immigration restrictions, alien registration and national service obligations;

(f) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members having comparable rank, of the staff of heads of diplomatic missions accredited to Denmark;

(g) The same privileges with respect to currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions; and

(h) The same immunities and facilities with respect to their personal and official baggage as the Government accords to members, having comparable rank of the staff of heads of diplomatic missions accredited to Denmark.

2. IAPSU, Copenhagen

(a) shall communicate to the Government a list of persons within the scope of this Article and shall revise such a list from time to time as may be necessary;

(b) The Government shall furnish persons within the scope of this Article with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to Danish Authorities.

3. The privileges and immunities referred to in Articles VIII and IX are granted in the interests of the UNDP and not for the personal benefit of the officials or experts themselves. The Administrator of the UNDP shall waive the immunity granted to any official or expert whenever, in his opinion, such immunity would impede the course of justice and can be waived without prejudice to the interests of the UNDP.

ARTICLE X

Co-operation with the appropriate Danish authorities

UNDP shall co-operate at all times with the appropriate authorities to facilitate the proper administration of justice, secure the observance of police regulations and avoid the occurrence of any abuse in connection with the facilities, privileges and immunities mentioned in this Agreement.

ARTICLE XI

Laissez-passer

1. The Government shall recognize and accept the United Nations laissez-passer issued to officials of UNDP as a valid travel document equivalent to a passport.

2. In accordance with the provisions of section 26 of the Convention, the Government shall recognize and accept the United Nations certificate issued to experts on mission for UNDP and other persons travelling on the business of UNDP. The Government further agrees to issue any required visas on such certificates.

ARTICLE XII

Settlement of disputes

1. Any dispute between UNDP and the Government concerning the interpretation or application of this Agreement or of any supplemental agreement or arrangement or any question affecting the Headquarters or the relationship between IAPSU, Copenhagen and the Government, 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 chosen by the Administrator, one to be chosen by the Minister for Foreign Affairs of Denmark, and the third, who shall be chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third within six months following the appoint-

ment of the first two arbitrators, such third arbitrator shall be chosen by the President of the International Court of Justice at the request of the Administrator of the UNDP or the Government.

2. The Administrator of the UNDP or the Government may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of such proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed by both parties. Thereafter, the arbitral tribunal shall render a final decision, having regard to the opinion of the Court.

ARTICLE XIII

Final provisions

1. The provisions of this Agreement shall be considered supplementary to the provisions of the Convention. When a provision of this Agreement and a provision of the Convention deal with the same subject, both provisions shall be considered complementary whenever possible; both of them shall be applied and neither shall restrict the force of the other.

2. Consultations with respect to amendments to this Agreement shall be entered into at the request of either party and such amendments shall be made by mutual consent. If the consultations do not result in an understanding within one year the present Agreement may be terminated by either party on giving two years notice.

3. This Agreement shall enter into force upon the date of the last signature.

DONE in duplicate in the English language and signed

at Copenhagen on *17 January 1989*

and at New York on *25 January 1989*

For the Government of Denmark:

[*Signed*]

UFFE ELLEMANN-JENSEN
Minister for Foreign Affairs

For the United Nations Development Programme:

[*Signed*]

WILLIAM H. DRAPER III
The Administrator
