

No. 30071

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

**Cooperation Agreement relating to the establishment in  
Caracas of the regional office for Northern South Amer-  
ica and the Caribbean. Signed at Caracas on 5 December  
1990**

*Authentic texts: English and Spanish.*

*Registered ex officio on 1 June 1993.*

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

**Accord de coopération relatif à l'établissement à Caracas  
d'un bureau régional pour la région nord de l'Amérique  
du sud et les Caraïbes. Signé à Caracas le 5 décembre  
1990**

*Textes authentiques : anglais et espagnol.*

*Enregistré d'office le 1<sup>er</sup> juin 1993.*

## CO-OPERATION AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE REPUBLIC OF VENEZUELA AND THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) RELATING TO THE ESTABLISHMENT IN CARACAS OF THE REGIONAL OFFICE FOR NORTHERN SOUTH AMERICA AND THE CARIBBEAN

Whereas the Office of United Nations High Commissioner for Refugees was established by United Nations General Assembly resolution 319 (IV) of 3 December 1949,<sup>2</sup>

Whereas the Statute of the Office of the United Nations High Commissioner for Refugees, adopted by the United Nations General Assembly in its resolution 428 (V) of 14 December 1950,<sup>3</sup> provides, *inter alia*, that the High Commissioner, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fulfil the conditions provided for in the Statute and of seeking permanent solutions to the problem of refugees by assisting Governments and, subject to approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities,

Whereas on 19 September 1986 the Government of the Republic of Venezuela deposited with the United Nations Organization the instrument of ratification<sup>4</sup> of the Protocol on the Status of Refugees,<sup>5</sup> which has been in force since 4 October 1967 and constitutes one of the principal international instruments for the protection of refugees,

Whereas the Government of Venezuela has agreed with pleasure to the establishment in Caracas of the Regional Office for Northern South America and the Caribbean of the United Nations High Commissioner for Refugees,

Whereas it is consequently necessary to conclude a formal Agreement for the purpose of defining the terms and conditions of co-operation between the parties, and to determine the conditions, facilities, privileges and immunities which the Government of the Republic of Venezuela shall grant to the Office of the United Nations High Commissioner for Refugees (UNHCR) in connection with the functioning of the above-mentioned Office,

Now therefore the Government of the Republic of Venezuela (hereinafter referred to as “The Government”) and the Office of the United Nations High Commissioner for Refugees (hereinafter referred to as “UNHCR”) have entered into the following agreement:

<sup>1</sup> Came into force on 5 December 1990, the date on which the Government of Venezuela informed the United Nations High Commissioner for Refugees of the completion of its legal procedures, in accordance with article XVII (1).

<sup>2</sup> United Nations, *Official Records of the General Assembly, Fourth Session (A/1251)*, p. 36.

<sup>3</sup> *Ibid.*, *Fifth Session, Supplement No. 20 (A/1775)*, p. 46.

<sup>4</sup> Should read “instrument of accession” — Devrait se lire « instrument d’accession »; see United Nations, *Treaty Series*, vol. 1436, No. A-8791.

<sup>5</sup> United Nations, *Treaty Series*, vol. 606, p. 267.

## Article I

### DEFINITIONS

For the purpose of this Agreement the following definitions shall apply:

a) “UNHCR” means the Office of the United Nations High Commissioner for Refugees;

b) “High Commissioner” means the United Nations High Commissioner for Refugees or the officials to whom the High Commissioner has delegated authority to act on his behalf;

c) “Government” means the Government of the Republic of Venezuela;

d) “Host country” or “country” means the Republic of Venezuela;

e) “Parties” means UNHCR and the Government;

f) “UNHCR Office” means the offices, premises and facilities occupied or maintained in the country;

g) “UNHCR Representative” means the UNHCR official in charge of the UNHCR Office in the country;

h) “UNHCR officials” means all members of the staff of UNHCR employed under the Staff Regulations and Rules of the United Nations, with the exception of persons who are recruited locally and assigned to hourly rates, as provided for in General Assembly resolution 76 (I);<sup>1</sup>

i) “Expert on mission” means individuals, other than UNHCR officials or persons performing services on behalf of UNHCR, undertaking missions for UNHCR;

j) “Persons performing services on behalf of UNHCR” means natural and juridical persons and their employees other than nationals of the host country recruited by UNHCR to execute or assist in carrying out its programmes;

k) “UNHCR personnel” means UNHCR officials, experts on mission and persons performing services on behalf of UNHCR.

## Article II

### PURPOSE OF THIS AGREEMENT

This Agreement embodies the basic conditions under which UNHCR shall, within its mandate, co-operate with the Government, open offices in the country, and carry out its international protection and humanitarian assistance functions for refugees and other persons of concern to it in the host country.

## Article III

### LEGAL PERSONALITY

The Office of the United Nations High Commissioner for Refugees, as a subsidiary organ of the United Nations, shall have legal personality and shall have authority to:

a) Recruit personnel;

<sup>1</sup>United Nations, *Official Records of the General Assembly, First Session, Second Part (A/64/Add.1)*, p. 139.

- b) Purchase and dispose of movable and immovable property; however, the purchase of the latter shall be subject to the conditions established by the Constitution of the Republic of Venezuela and to any restrictions established by the law provided for in article 8 of the Constitution;
- c) Initiate legal proceedings.

#### *Article IV*

##### CO-OPERATION BETWEEN THE GOVERNMENT AND UNHCR

1. Co-operation between the Government and UNHCR in the field of international protection of and humanitarian assistance to refugees and other persons of concern to UNHCR shall be carried out on the basis of the Statute of UNHCR and other relevant decisions and resolutions relating to UNHCR adopted by United Nations organs, in particular article 2 of the 1967 Protocol relating to the Status of Refugees, which refers to the co-operation of national authorities with the United Nations.
2. The UNHCR Office shall maintain consultations and co-operation with the Government with respect to the preparation and review of projects for refugees.
3. For any UNHCR-funded projects implemented by the Government, the terms and conditions, including the commitment of the Government and the High Commissioner with respect to the furnishing of funds, supplies, equipment and services or other assistance for refugees, shall be set forth in the project agreements signed by them.
4. The Government shall at all times grant UNHCR personnel unimpeded access to refugees and other persons of concern to UNHCR and the sites of UNHCR projects in order to monitor all phases of their implementation.

#### *Article V*

##### UNHCR OFFICE

1. The Government welcomes the establishment and maintenance by UNHCR of an Office or Offices in the country for providing international protection and humanitarian assistance to refugees and other persons of concern to UNHCR.
2. UNHCR and the Government agree that the Office in Venezuela shall serve as a regional office.
3. The UNHCR Office shall exercise functions as assigned by the High Commissioner, in relation to his mandate for refugees and other persons of concern to him, including the establishment and maintenance of relations with other governmental or non-governmental organizations operating in the country.

#### *Article VI*

##### UNHCR PERSONNEL

1. UNHCR may assign to the Office in the country such officials or other personnel as it deems necessary for carrying out its international protection and humanitarian assistance functions.

2. The Government shall be informed of the category of the officials and other personnel to be assigned to the UNHCR Office in the country.

3. UNHCR may designate officials to visit the country for purposes of consulting and co-operating with the corresponding officials of the Government or other parties involved in refugee work in connection with: *a)* the review, preparation, monitoring and evaluation of international protection and humanitarian assistance programmes; *b)* the shipment, receipt, distribution or use of the supplies, equipment and other materials furnished by UNHCR; *c)* seeking permanent solutions to the problem of refugees; and *d)* any other matters relating to the implementation of this Agreement.

### *Article VII*

#### FACILITIES FOR IMPLEMENTATION OF UNHCR HUMANITARIAN PROGRAMMES

1. The Government, in agreement with UNHCR, shall take any measures necessary to exempt UNHCR officials, experts on mission and persons performing services on behalf of UNHCR from regulations or other legal provisions which may interfere with operations and projects carried out under this Agreement, and shall grant them such other facilities as may be necessary for the speedy and efficient execution of UNHCR humanitarian programmes for refugees in the country. Such measures shall include: authorization to operate, free of licence fees, UNHCR radio and other telecommunications equipment; the granting of air traffic rights; and exemption from aircraft landing fees and royalties for emergency relief cargo flights, transportation of refugees and/or UNHCR personnel.

2. The Government shall ensure that the UNHCR Office is at all times supplied with the necessary public services and that such services are supplied on equitable terms.

3. The Government shall take the necessary measures, when required, to ensure the security and protection of the premises of the UNHCR Office and its personnel.

### *Article VIII*

#### PRIVILEGES AND IMMUNITIES

1. The Government agrees to grant to UNHCR and its staff such privileges and immunities as may be necessary for the effective exercise of the international protection and humanitarian assistance functions of UNHCR.

2. Without prejudice to the provisions of paragraph 1, the Government shall in particular grant to UNHCR the privileges, immunities, rights and facilities provided for in articles VIII to XV of this Agreement.

### *Article IX*

#### UNHCR OFFICE, PROPERTY, FUNDS AND ASSETS

1. UNHCR and its property, funds and assets, wherever located and by whomsoever held, shall be immune from any form of legal process, except in so far

as in any particular case it has expressly waived this immunity, it being understood that this waiver shall not extend to any measure of execution.

2. The premises of UNHCR Office shall be inviolable. The property, funds and assets of UNHCR, wherever situated and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

3. The archives of UNHCR, and in general all documents belonging to or held by it, shall be inviolable.

4. The funds, assets, income and other property of UNHCR shall be exempt from:

*a)* Any form of direct taxation, it being understood that UNHCR shall not claim exemption from charges for public utility services;

*b)* Customs duties and prohibitions and restrictions on articles imported or exported by UNHCR for its official use, it being understood that articles imported under such exemption shall not be sold in the country except under conditions agreed upon with the Government;

*c)* Customs duties and prohibitions and restrictions in respect of the import and export of its publications.

5. Any materials imported or exported by UNHCR or by national or international bodies duly accredited by UNHCR to act on its behalf in connection with humanitarian assistance for refugees shall be exempt from all Customs duties and prohibitions and restrictions.

6. UNHCR shall not be subject to any financial controls, regulations or moratoria and may freely:

*a)* Acquire from authorized commercial agencies, hold and use negotiable currencies, maintain foreign-currency accounts, and acquire through authorized institutions, hold and use funds and securities;

*b)* Bring funds, securities and foreign currencies into the host country from any other country, use them within the host country or transfer them to other countries.

7. UNHCR shall enjoy the rate of exchange prevailing on the currency market.

### *Article X*

#### COMMUNICATION FACILITIES

1. UNHCR shall enjoy, in respect of its official communications, treatment no less favourable than that accorded by the Government to any other Government, including its diplomatic missions, or to other intergovernmental, international organizations in the matter of priorities, tariffs and charges on mail, cablegrams, telephotos, telephone, telegraph, telex and other communications, as well as rates for information to the press and radio.

2. The Government shall ensure the inviolability of the official communications and correspondence of UNHCR and shall not impose any censorship on them. Such inviolability, without limitation by reason of this enumeration, shall extend to publications, photographs, slides, films and sound recordings.

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

4. UNHCR shall have the right to operate radio and other telecommunications equipment, on United Nations-registered frequencies and those allocated by the Government, between its offices within and outside the country, and in particular with UNHCR headquarters in Geneva.

### *Article XI*

#### UNHCR OFFICIALS

1. The UNHCR Representative, Deputy Representative and other senior officials, as may be determined by UNHCR and the Government by mutual agreement, shall enjoy, while in the country, in respect of themselves, their spouses and dependent relatives, the privileges and immunities, exemptions and facilities normally granted to diplomatic personnel. For this purpose, the Ministry of Foreign Affairs shall include their names in the Diplomatic list.

2. UNHCR officials with the exception of those mentioned in paragraph 3 of this article, shall, while in the country, enjoy the following facilities, 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;

*b*) Immunity from inspection and seizure of their baggage on official journeys;

*c*) Immunity from any military-service obligation or other obligatory service;

*d*) Exemption, with respect to themselves, their spouses, their relatives dependent on them and other members of their households, from measures restricting immigration and alien registration formalities;

*e*) Exemption from taxation on the salaries and other remuneration received from UNHCR;

*f*) Exemption from any form of taxation on income earned abroad;

*g*) Prompt clearance and issuance, without cost, of visas, licences or permits, if required, and free movement within, to or from the country to the extent necessary for carrying out UNHCR international protection and humanitarian assistance programmes;

*h*) Freedom to hold or maintain within the country foreign exchange, foreign-currency accounts and movable property, and the right upon termination of employment to take out of the host country funds whose lawful possession they are able to demonstrate;

*i*) The same protection and repatriation facilities with respect to themselves, their spouses and relatives dependent on them and other members of their households, as are accorded in time of international crisis to diplomatic personnel;

*j*) The right to import for personal use, free of Customs duty and other levies, prohibitions and restrictions on imports:

*i*) Their furniture and personal effects, in one or more separate shipments, and thereafter to import necessary additions to the same, including motor vehicles, in

accordance with the regulations applicable in the country to accredited diplomatic representatives and/or resident members of international organizations;

ii) Reasonable quantities of certain articles for personal use or consumption and not for gifts or sale.

3. UNHCR officials who are Venezuelan citizens shall enjoy the privileges and immunities provided for in paragraph 2 (a) and (e) of this article.

### *Article XII*

#### EXPERTS ON MISSION

1. Experts performing missions for UNHCR who are not nationals of the Republic of Venezuela shall be granted such facilities, privileges and immunities as are necessary for the independent exercise of their functions.

In particular they shall be granted:

a) Immunity from arrest or detention;

b) Immunity from legal process of any kind in respect of words spoken or written and acts perpetrated by them in the course of the performance of their mission;

c) Inviolability of all documents;

d) For the purposes of their official communications, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;

f) The same immunities and facilities, including immunity from inspection and seizure, in respect of their personal baggage as are accorded to members of diplomatic missions.

### *Article XIII*

#### PERSONS PERFORMING SERVICES ON BEHALF OF UNHCR

1. Except as the Parties may otherwise agree, the Government shall grant to all persons performing services on behalf of UNHCR, other than nationals of the host country employed locally, the following privileges and immunities:

a) They shall be immune from any legal proceedings in respect of written or spoken words or any acts performed in their official capacity;

b) They shall be exempt from taxes on salaries and remuneration paid by the Organization;

c) They shall be exempt from any service of a national character;

d) They shall be exempt, both themselves and their wives and minor children, from any restriction on immigration and from registration of aliens;

e) They shall be accorded, in respect of the international transfer of funds, the same exemptions as those enjoyed by officials in an equivalent category belonging to diplomatic missions accredited to the Government in question;



f) They, and their wives and minor children shall be granted the same repatriation facilities in time of international crisis as those enjoyed by diplomatic personnel;

g) They shall be entitled to import free of duty their furniture and effects at the time when they take up their post in the country in question.

2. In addition to the above-mentioned privileges and immunities, they shall be granted:

a) Prompt clearance and issuance, without cost, of visas, licenses or permits necessary for the effective exercise of their functions;

b) Free movement within, to or from the country, to the extent necessary for the implementation of UNHCR's humanitarian programmes.

#### *Article XIV*

##### NOTIFICATION

1. UNHCR shall notify the Government of the names of UNHCR officials, experts on mission and other persons performing services on behalf of UNHCR, and of changes in the status of such persons.

2. UNHCR officials, experts on mission and other persons performing services on behalf of UNHCR shall be provided with a special identity card certifying their status under this Agreement.

#### *Article XV*

##### WAIVER OF IMMUNITY

Privileges and immunities are granted to UNHCR personnel in the interests of the United Nations and UNHCR, and not for their personal benefit. The Secretary-General of the United Nations may waive the immunity of any UNHCR personnel in any case where, in his opinion, the immunity would impede the course of justice and may be waived without prejudice to the interests of the United Nations and UNHCR.

#### *Article XVI*

##### SETTLEMENT OF DISPUTES

Any dispute between UNHCR and the Government arising out of or relating to this Agreement shall be settled amicably by negotiation or other agreed mode of settlement, failing which such dispute shall be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the chairman. If within 30 days of the request for arbitration either Party has not appointed an arbitrator or if within 15 days of the appointment of two arbitrators the third arbitrator has not been appointed, either Party may request the President of the International Court of Justice to appoint an arbitrator. All decisions of the arbitrators shall require a vote of two of them. The procedure of the arbitration shall be fixed by the arbitrators, and the expenses of the arbitration shall be borne by the Parties so assessed by the

arbitrators. The arbitral award shall contain a statement of the reasons on which it is based and shall be accepted by the Parties as the final adjudication of the dispute.

*Article XVII*

GENERAL PROVISIONS

1. This Agreement shall enter into force when the Government informs UNHCR that it has completed its legal procedures for this purpose and shall remain in force until terminated in accordance with the provisions of paragraph 5 of this article.

2. This Agreement shall be interpreted in the light of its primary purpose, which is to enable UNHCR to carry out its international mandate for refugees fully and efficiently, and to attain its humanitarian objectives in the country.

3. Any relevant matter for which no provision is made in this Agreement shall be settled by the Parties in keeping with the relevant resolutions and decisions of the appropriate organs of the United Nations. Each Party shall give full and sympathetic consideration to any proposal advanced by the other Party under this paragraph.

4. Consultations with a view to amending this Agreement may be held at the request of the Government or UNHCR. Amendments shall be made by joint written agreement.

5. This Agreement shall cease to be in force six months after either of the Contracting Parties gives notice in writing to the other of its decision to terminate the Agreement, except as regards the normal cessation of the activities of UNHCR in the country and the disposal of its property in the country.

Two equally authentic copies of this Agreement, in English and Spanish, are hereby made. Signed at Caracas, Venezuela, this 5 of december 1990.

For the Government  
of the Republic of Venezuela:

*[Signed]*

ADOLFO RAÚL TAYLHARDAT  
Minister in charge for Foreign Affairs (*e*)

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

*[Signed]*

PHILIPPE LAVANCHY  
Regional Representative of UNHCR  
for Northern South America and the Caribbean