

No. 29492

**UNITED NATIONS
and
GEORGIA**

**Agreement relating to the establishment of a United Nations
Interim Office. Signed at Tbilisi on 27 January 1993**

Authentic text: English.

Registered ex officio on 27 January 1993.

**ORGANISATION DES NATIONS UNIES
et
GÉORGIE**

**Accord relatif à l'installation du Bureau intérimaire de l'Or-
ganisation des Nations Unies en Géorgie. Signé à Tbilisi
le 27 janvier 1993**

Texte authentique : anglais.

Enregistré d'office le 27 janvier 1993.

AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF THE REPUBLIC OF GEORGIA RELATING TO THE ESTABLISHMENT OF A UNITED NATIONS INTERIM OFFICE

PREAMBLE

Whereas the Government of the Republic of Georgia and the United Nations have expressed their mutual interest that the United Nations establish an Interim Office in Tbilisi with a view to supporting and supplementing the national efforts in solving the most important problems of economic development and promoting social progress and a better standard of life;

Whereas the Government of the Republic of Georgia has agreed to ensure the availability of the necessary facilities to enable the Interim Office to perform fully and effectively its functions, including its scheduled programmes of work and any related activities, and to fulfill its purposes in co-operation and harmony with the Government and people of Georgia;

Considering that the Government of the Republic of Georgia has agreed to apply to the Interim Office, as an organizational unit of the United Nations, and to its officials the relevant provisions of the Convention on the Privileges and Immunities of the United Nations;²

Desiring to conclude an agreement with a view to regulating questions arising from the establishment in Tbilisi of the United Nations Interim Office;

Have, in a spirit of friendly co-operation, agreed as follows:

Article I

DEFINITIONS

For the purpose of the present Agreement, the following definitions shall apply:

- (a) "Office" means the United Nations Interim Office, an organizational unit through which the United Nations provides assistance and co-operation in programmes; it may include field sub-offices established in the country by mutual agreement;
- (b) "The Government" means the Government of the Republic of Georgia
- (c) "The appropriate authorities" means central, local and other competent authorities under the law of the Republic of Georgia;

¹ Came into force on 27 January 1993 by signature, in accordance with article XXI.

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

- (d) "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;
- (e) "Parties" means the United Nations and the Government of the Republic of Georgia;
- (f) "Head of the Office" means the official in charge of the United Nations Interim Office;
- (g) "Officials of the Office" means the Head of the Interim Office and all members of its staff, irrespective of nationality, employed under the Staff Rules and Regulations 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(1) of 7 December 1946;¹
- (h) "Experts on mission" means individuals, other than Interim Office officials or persons performing services on behalf of the United Nations, undertaking missions, coming within the scope of Articles VI and VII of the Convention;
- (i) "Persons performing services on behalf of the United Nations" means individual contractors, other than officials engaged by the Interim Office, to execute or assist in the carrying out of its programmes or other related activities;
- (j) "UNDP" means the United Nations Development Programme;
- (k) "UNHCR" means the United Nations High Commissioner for Refugees established pursuant to United Nations General Assembly resolution 319(IV) of 3 December 1949;²
- (l) "UNICEF" means the United Nations Children's Fund established pursuant to United Nations General Assembly Resolution 57(1) of 11 December 1946;³
- (m) "UNEP" means the United Nations Environment Programme established pursuant to United Nations General Assembly resolution 2997 (XXVII) of 15 December 1977;⁴
- (n) "Office premises" means all the premises occupied by the Interim Office or field sub-offices, including installations and facilities made available to or occupied, maintained or used by the United Nations in the Republic of Georgia and notified as such to the Government;
- (o) "Organization" means the United Nations;
- (p) "country" means the Republic of Georgia.

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

² *Ibid.*, *Fourth Session, (A/1251)*, p. 36.

³ *Ibid.*, *First Session, Second Part, (A/64/Add.1)*, p. 90.

⁴ *Ibid.*, *Twenty-seventh Session, Supplement No. 30, (A/8730)*, p. 43.

Article II

PURPOSE AND SCOPE OF ACTIVITIES

The Office shall:

1. Co-operate with the Government in programmes of assistance aimed at promoting economic development and social progress through *inter alia* carrying out economic and social studies and research, technical co-operation, the training of personnel and dissemination of information.
2. Co-ordinate the work in the country of UNDP, UNHCR, UNICEF, UNEP and other organs of the Organization, in accordance with the relevant resolutions, decisions, regulations, rules and policies of the United Nations.
3. Carry out such other activities as may be entrusted to the Office by the Secretary-General of the United Nations.
4. If necessary, United Nations organs and programmes may enter into supplemental Agreements with the Government concerning their projects of assistance, pursuant to Article 18 below.

Article III

JURIDICAL PERSONALITY AND LEGAL CAPACITY

The United Nations, acting through the Office, shall have the capacity:

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

Article IV

APPLICATION OF THE CONVENTION

The Convention shall be applicable to the Office, its property, funds and assets, to its officials and experts on mission in the country.

Article V

STATUS OF THE OFFICE

1. The United Nations shall establish and maintain an Office in the country for the purpose of discharging its activities in accordance with the present Agreement or any other supplemental agreements referred to in Article 18 below.

2. The United Nations, its property, funds and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is understood, however, that no waiver of immunity shall extend to any measure of execution.
3. (a) The premises of the Office shall be inviolable. The property and assets of the Office, wherever located 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;

(b) The appropriate authorities shall not enter the Office premises to perform any official duties, except with the express consent of the head of the Office and under conditions agreed to by him or her.
4. The appropriate authorities shall exercise due diligence to ensure the security and protection of the Office, and to ensure that the tranquility of the Office is not disturbed by the unauthorized entry of persons or groups of persons from outside or by disturbances in its immediate vicinity.
5. The archives of the Office, and in general all documents belonging to it, wherever located and by whomsoever held, shall be inviolable.

Article VI

OFFICE FUNDS, ASSETS AND OTHER PROPERTY

1. Without being restricted by financial controls, regulations or moratoria of any kind, the Office:
 - (a) may hold and use funds, gold or negotiable instruments of any kind and maintain and operate accounts in any currency and convert any currency held by it into any other currency;
 - (b) shall be free to transfer its funds, gold or currency from one country to another or within any country, to other organizations or agencies of the United Nations system;
 - (c) shall be accorded the most favourable, legally available rate of exchange for its financial transactions.
2. The Office, its assets, income and other property shall:
 - (a) be exempt from all direct taxes, value-added tax, fees, tolls or duties; it is understood, however, that the Office will not claim exemption from taxes which are, in fact, no more than charges for public utility services, rendered by the Government or by a corporation under government regulation, at a fixed rate according to the amount of services rendered and which can be specifically identified, described and itemized;

(b) be exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Office for its official use. It is understood, however, that articles imported under such exemptions will not be sold in the country into which they were imported except under conditions agreed with the Government;

(c) be exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Article VII

OFFICIALS OF THE OFFICE

1. Officials of the Office shall:

(a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue to be accorded after termination of employment with the Office;

(b) be exempt from taxation on the salaries and emoluments paid to them by the Office;

(c) be immune from national service obligations.

2. In addition, internationally-recruited officials of the Office shall:

(a) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(b) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable ranks forming part of diplomatic missions to the Government;

(c) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(d) have the right to import free of duty their furniture, personal effects and all household appliances, at the time of first taking up their post in the host country.

3. The head of the Office and other senior officials, as may be agreed between the United Nations and the Government, shall enjoy the same privileges and immunities accorded by the Government to members of diplomatic missions of comparable ranks. For this purpose, the name of the head of the Office may be incorporated in the diplomatic list.

4. Internationally-recruited officials of the Office shall also be entitled to the following facilities:

(a) to import free of custom and excise duties limited quantities of certain articles intended for personal consumption in accordance with existing government regulation;

(b) to import a motor vehicle free of customs and excise duties, including value-added tax, in accordance with existing government regulation applicable to members of diplomatic missions of comparable ranks.

Article VIII

EXPERTS ON MISSION

1. Experts on mission shall be granted the privileges, immunities and facilities as specified in Article VI, Sections 22 and 23, and Article VII, Section 26, of the Convention.
2. Experts on mission may be accorded such additional privileges, immunities and facilities as may be agreed upon between the Parties.

Article IX

PERSONS PERFORMING SERVICES FOR THE OFFICE

1. Persons performing services for the Office shall:
 - (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue to be accorded after termination of employment with the Office;
 - (b) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys.
2. For the purpose of enabling them to discharge their functions independently and efficiently, persons performing services for the Office may be accorded such other privileges, immunities and facilities as specified in Articles 7 and 8 above, as may be agreed upon between the Parties.

Article X

LOCALLY-RECRUITED PERSONNEL ASSIGNED TO HOURLY RATES

Locally-recruited personnel shall be accorded all facilities necessary for the independent exercise of their functions for the United Nations. The terms and conditions of employment for persons recruited locally and assigned to hourly rates shall be in accordance with the relevant United Nations resolutions, decisions, regulations and rules and policies of the competent organs of the United Nations.

Article XI

WAIVER OF PRIVILEGES AND IMMUNITIES

The privileges and immunities accorded under the present Agreement are granted in the interests of the United Nations, and not for the personal benefit of the persons concerned. The Secretary-General of the United Nations has the right and the duty to waive the immunity of any individual referred to in Articles 7, 8 and 9 in any case where, in his

opinion, such immunity impedes the course of justice and can be waived without prejudice to the interests of the United Nations.

Article XII

ACCESS FACILITIES

1. Internationally-recruited officials of the Office, experts on mission and persons performing services shall be entitled to:
 - (a) prompt clearance and issuance, free of charge, of visas, licences or permits, where required;
 - (b) unimpeded access to or from the country, and within the country, to all sites of co-operation activities, to the extent necessary for the implementation of programmes of co-operation.

Article XIII

GOVERNMENT CONTRIBUTION

1. The Government shall provide the United Nations, as mutually agreed upon and to the extent possible:
 - (a) appropriate office premises for the Office;
 - (b) costs of local telecommunications for official purposes;
 - (c) costs of utilities and local services such as equipment, fixtures and maintenance of office premises;
 - (d) transportation for experts on mission in the discharge of their official functions in the country.
2. The Government shall also assist the United Nations:
 - (a) in the location of suitable housing accommodation for internationally-recruited Officials, experts on mission and persons performing services for the United Nations;
 - (b) in the installation and supply of utility services, such as water, electricity, sewerage, fire protection services and other services, for the Office premises.

Article XIV

FACILITIES IN RESPECT OF COMMUNICATIONS

1. The United Nations shall enjoy, in respect of its official communications, treatment not less favourable than that accorded by the Government to any diplomatic mission in matters of establishment and operation, priorities, tariffs, charges on mail and cablegrams and on teleprinter, facsimile, telephone and other communications, as well as rates for information to the press and radio.

2. No official correspondence or other communication of the United Nations shall be subject to censorship. Such immunity shall extend to printed matter, photographic and electronic data communications and other forms of communications as may be agreed upon between the Parties. The United Nations shall be entitled to use codes and to dispatch and receive correspondence either by courier or in sealed pouches, all of which shall be inviolable and not subject to censorship.

3. The United Nations shall have the right to operate radio and other telecommunication equipment on United Nations registered frequencies and those allocated by the Government between its offices, within and outside the country, and in particular with United Nations Headquarters in New York.

Article XV

UNITED NATIONS FLAG, EMBLEM AND MARKINGS

The United Nations may display its flag, and/or emblem on its Office premises, official vehicles and otherwise as agreed to between the Parties. Vehicles, vessels and aircraft of the United Nations shall carry a distinctive United Nations emblem or markings, which shall be notified to the Government.

Article XVI

NOTIFICATION

The Office shall notify the Ministry of Foreign Affairs of the Republic of Georgia of the names and categories of its officials, experts on mission and persons performing services and locally-recruited personnel, and of any change in their status.

Article XVII

IDENTIFICATION

1. The Government shall, at the request of the head of the Office, issue to each official, experts on mission, person performing services and locally-recruited personnel (other than those who are assigned to hourly rates) the appropriate certificates of identity.

2. Upon demand of an authorized official of the Government, persons referred to in paragraph 1 above, shall be required to present, but not to surrender, their certificates of identity.

3. The Office shall, upon termination of employment or reassignment of its personnel, ensure that all certificates of identity are returned promptly to the Government.

Article XVIII

SUPPLEMENTAL AGREEMENTS

1. UNDP, UNICEF, UNHCR, UNEP and other United Nations organs and programmes may conclude with the Government supplemental Agreements, which shall constitute an

integral part of this Agreement, concerning conditions under which they shall assist the Government in carrying out their respective projects.

2. The United Nations and the Government may enter into any other supplemental Agreement as both Parties may deem appropriate.

Article XIX

CLAIMS AGAINST THE UNITED NATIONS

1. The United Nations co-operation in programmes under the present Agreement, or any other supplemental Agreement, is provided for the benefit of the Government and people of the country and, therefore, the Government shall bear all the risks of the operations under the present Agreement.

2. The Government shall, in particular, be responsible for dealing with all claims arising from or directly attributable to the operations under the present Agreement, or any other supplemental Agreement, that may be brought by third parties against the United Nations, its officials, experts on mission and persons performing services on behalf of the United Nations and shall, in respect of such claims, indemnify and hold them harmless, except where the Government and the United Nations agree that the particular claim or liability was caused by gross negligence or wilful misconduct.

Article XX

SETTLEMENT OF DISPUTES

Any dispute between the United Nations and the Government relating to the interpretation and application of the present Agreement, or any other supplemental Agreement, which is not settled by negotiation or other agreed mode of settlement 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 thirty (30) days of the request for arbitration either Party has not appointed an arbitrator, or if within fifteen (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. The procedure for the arbitration shall be fixed by the arbitrators, and the expenses of the arbitration shall be borne by the Parties as 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 XXI

ENTRY INTO FORCE

This Agreement shall enter into force upon signature by the duly authorized representatives of the United Nations and the Government.

Article XXII

TERMINATION

The present Agreement shall cease to be in force six months after either of the Parties gives notice in writing to the other of its decision to terminate the Agreement. The Agreement shall, however, remain in force for such an additional period as might be necessary for the orderly cessation of United Nations activities, and the resolution of any dispute between the Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized plenipotentiary of the Government and duly appointed representative of the United Nations, have on behalf of the Parties signed the present Agreement.

DONE at Tbilisi, this 27th day of January of nineteen hundred ninety three.

For the United Nations:

[Signed — Signé]¹

For the Government
of Georgia:

[Signed — Signé]²

¹ Signed by F. Starcivic — Signé par F. Starcivic.

² Signed by A. Chikvaïdze — Signé par A. Chikvaïdze.