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**United Nations (United Nations Population Fund)
and
Turkey**

Agreement between the United Nations Population Fund and the Government of the Republic of Turkey concerning the establishment of the UNFPA Eastern Europe and Central Asia regional office in Istanbul, Turkey. New York, 1 July 2010

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**Organisation des Nations Unies (Fonds des Nations Unies
pour la population)
et
Turquie**

Accord entre le Fonds des Nations Unies pour la population et le Gouvernement de la République turque relatif à l'établissement d'un bureau régional du FNUAP pour l'Europe orientale et l'Asie centrale à Istanbul, Turquie. New York, 1 juillet 2010

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
BETWEEN
THE UNITED NATIONS POPULATION FUND
AND THE
GOVERNMENT OF THE REPUBLIC OF TURKEY
FOR THE ESTABLISHMENT OF
THE UNFPA EASTERN EUROPE AND CENTRAL ASIA
REGIONAL OFFICE
IN ISTANBUL, TURKEY

The United Nations Population Fund (hereinafter referred to as “UNFPA”) and the Government of the Republic of Turkey (hereinafter referred to as “the Government”).

WHEREAS the General Assembly of the United Nations established UNFPA pursuant to General Assembly resolution 3019 (XXVII) of 18 December 1972;

WHEREAS UNFPA is assisting Governments in the region of Eastern Europe and Central Asia with respect to the formulation, adoption and implementation of their population policies and development strategies in national development plans;

WHEREAS the Executive Board of the United Nations Development Programme (“UNDP”) and UNFPA, in its decision 2007/43 of 14 September 2007, approved a new organizational structure for UNFPA, including a Regional Office of UNFPA for Eastern Europe and Central Asia;

WHEREAS the Government welcomes the establishment of the UNFPA Eastern Europe and Central Asia Regional Office in the city of Istanbul;

WHEREAS the Government agrees to grant the UNFPA Eastern Europe and Central Asia Regional Office all the necessary privileges, immunities, exemptions and facilities to enable the Office to perform its functions; and

RECALLING 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 and to which the Government acceded on 22 August 1950, shall apply to the Eastern Europe and Central Asia Regional Office, its premises, funds and assets as well as to its personnel and their official activities in the Republic of Turkey;

The Government and UNFPA have entered into this Agreement in a spirit of friendly cooperation.

ARTICLE I

Definitions

Section 1

In this Agreement, the expressions:

- a) “accredited foreign missions in the Host Country” means diplomatic and consular missions and missions of international organizations based in the Host Country;
- b) “appropriate authorities” means such national or local governmental authorities under the laws and regulations of the Host Country;
- c) “archives of the Office” means all records, correspondence, documents, manuscripts, computer records, still and motion pictures, film and sound recordings, belonging to or held by the Office in furtherance of its functions;
- d) “the Convention” means the Convention on the Privileges and Immunities of the United Nations adopted by the United Nations General Assembly on 13 February 1946;
- e) “the Office” means the UNFPA Eastern Europe and Central Asia Regional Office;
- f) “the Director of the Office” means the head of the Office in the Host Country;
- g) “the Host Country” means Turkey;
- h) “officials of the Office” means all staff members assigned to the Office irrespective of nationality, with the exception of those who are locally recruited and assigned to hourly rates as provided for in United Nations General Assembly resolution 76(I) of 7 December 1946;
- i) “the Parties” means UNFPA and the Government;

- j) “persons performing services for the Office” means service contractors, consultants and persons retained on special services agreements;
- k) “premises of the Office” means the facilities in the Host Country used for conducting functions by the Office;
- l) “property of the Office” means all property, including funds, income and other assets belonging to the Office or held or administered by the Office in furtherance of the functions of the Office;
- m) “the Secretary-General” means the Secretary-General of the United Nations; and
- n) “telecommunications” means any emission, transmission or reception of written or verbal information, images, sound or information of any nature by wire, radio, satellite, optical, fibre or any other electronic or electromagnetic means.

ARTICLE II

Purpose and Scope of the Agreement

Section 2

The seat of the Office shall be established in Istanbul, in the Republic of Turkey to carry out the functions of a Regional Office of UNFPA for Eastern Europe and Central Asia. This Agreement regulates the status of the Office premises, officials, experts on mission and persons performing services for the Office in the Host Country.

Section 3

Any building in the Host Country which may be used with the concurrence of the Government for meetings, seminars, training courses, symposiums, workshops and similar activities organized by the Office shall be temporarily included in the seat of the Office. For all such meetings, seminars, training courses, symposiums, workshops and similar activities organized by the Office, the present Agreement shall apply *mutatis mutandis*.

ARTICLE III

Application of the Convention

Section 4

The Convention, as acceded to by the Republic of Turkey, shall be applicable to the Office, its property, funds and assets, and to its officials, experts on missions and persons performing services for the Office in the Host Country.

ARTICLE IV
Legal Capacity

Section 5

- a) The United Nations, acting through UNFPA, shall have the capacity:
 - (i) to contract;
 - (ii) to acquire and dispose of immovable and movable property;
 - (iii) to institute judicial proceedings;
- b) For the purposes of this Article, UNFPA shall be represented by the Director of the Office.

ARTICLE V
Inviolability of the Office

Section 6

- a) The Office shall be inviolable. The Office, its property and assets, wherever located in the Host Country and by whomsoever held, shall enjoy immunity from every form of legal process, except insofar as in any particular case immunity shall have expressly been waived in accordance with the Convention. No waiver of immunity from legal process shall extend to any measure of execution.
- b) No officer or official of the Host Country or person exercising any public authority within the Host Country, shall enter the Office premises to perform any duties therein except with the consent of, and under conditions approved by the Director of the Office. In case of a fire or other emergency requiring prompt protection action, the consent of the Director of the Office to any necessary entry into the premises shall be presumed if he or she cannot be reached in time.
- c) The premises of the Office can be used, in accordance with Article II, section 3, of this Agreement, for meetings, seminars, exhibitions and other related purposes which are organized by the Office, the United Nations, Specialized Agencies of the United Nations as well as other international, intergovernmental organizations brought into a relationship with the United Nations.
- d) The premises of the Office shall not be used in any manner incompatible with the scope and purpose of the Office, as set forth in Article II, above.

Section 7

The archives of the Office, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

ARTICLE VI
Public Services

Section 8

- a) The appropriate authorities shall facilitate, upon request by the Director of the Office and under terms and conditions not less favourable than those accorded by the Government to any diplomatic mission, access to all public services needed by the Office such as, but not limited to, utility, power and communications services.
- b) In case where public services referred to in paragraph (a), above, are made available to the Office by the competent authorities, or where the prices thereof are under their control, the rate for such services shall not exceed the lowest comparable rates accorded to diplomatic missions.
- c) In case of *force majeure*, resulting in a complete or partial disruption of the above-mentioned services, the Office shall, for the performance of its functions, be accorded the same priority given to essential governmental agencies and organs.
- d) The provisions of this Article shall not prevent the reasonable application of fire protection or sanitary regulations of the Host Country.

ARTICLE VII
Security

Section 9

- a) The Government acting through the appropriate authorities shall ensure the security and protection of the Office premises throughout the Host Country as is required for the effective performance of the functions and activities of the Office, and shall exercise diligence to ensure that the tranquility of the premises is not disturbed by the unauthorized entry of persons or groups of persons from outside or by disturbances in its immediate vicinity.
- b) If so requested by the Director of the Office, the appropriate authorities shall provide necessary assistance for the preservation of law and order in the premises and for the removal therefrom of offenders as requested by the Director of the Office.

ARTICLE VIII
Exemption from Taxation

Section 10

The Office, its assets, funds and other property shall enjoy:

- a) Exemption from all direct taxes as well as exemption from value added tax and property tax in connection with the official activities of the Office; it being understood, however, that the Office shall not request exemption from taxes which are in fact no more than charges for public utility services rendered by the competent authorities or by a corporation under the laws and regulations of the Government at a fixed rate according to the amount of services rendered, and which can be specifically identified, described and itemized.
- b) Exemption from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country.
- c) Exemption from all prohibitions and restrictions on the import or export of its publications, including still and moving pictures, films, tapes, diskettes and sound recordings.

ARTICLE IX
Financial Transactions

Section 11

Without restricting the property and assets of the Office in accordance with Article II, Section 5 of the Convention, the Office may, in order to carry out its activities:

- i) Hold and use funds and currency of any kind and operate accounts in any currency;
- ii) Freely transfer its funds and currency to or from any other country, or within the Host Country, and convert any currency held by it into any other currency;
- iii) Be accorded the most favourable, legally available rate of exchange.

ARTICLE X
Communications

Section 12

The Office shall enjoy, for its official communications, treatment not less favourable than that accorded by the Host Country to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communication, and press rates for information to the press and radio.

Section 13

a) The Government shall secure the inviolability of the official communications of the Office, whatever the means of the communications employed, and shall not apply any censorship to such communications.

b) The Office shall have the right to operate communication equipment including satellite facilities and to use codes and to dispatch and receive correspondence by couriers and bags. The bags must bear visibly the United Nations emblem and may contain only documents or articles intended for official use, and the courier shall be provided with a courier certificate issued by the United Nations. The Office and the Host Country may discuss any relevant procedures if necessary relating to operation of the communications equipment and facilities, subject to the Convention and this Agreement.

ARTICLE XI
United Nations Meetings

Section 14

The United Nations and the Government shall conclude appropriate conference agreements in accordance with the relevant principles and practices of the United Nations for meetings, seminars, training courses, symposiums, workshops and similar activities organized by the Office.

ARTICLE XII
Officials of the Office

Section 15

a) Officials shall enjoy in the Host Country the following privileges, immunities and facilities:

i) Immunity from legal process in respect of words spoken and written and all acts performed by them in their official capacity. Such immunity shall continue in force after termination of employment with UNFPA or the United Nations;

ii) Immunity from seizure of their personal and official effects and baggage;

iii) Exemption from taxation on the salaries and emoluments paid to them by the United Nations, exemption from taxation on all income and property, for themselves and for their spouses and dependent members of their families in so far as such income derives from sources, or in so far as such property is located, outside the Host Country;

iv) Exemption from any national service obligations, including, but not limited to, military service, in the Host Country;

v) Exemption, for themselves and for their spouses and dependent members of their families, from immigration restrictions or alien registration procedures;

vi) In regard to foreign exchange, including holding accounts in foreign currencies, enjoyment of the same facilities as are accorded to members of diplomatic missions accredited to the Host Country;

vii) The same protection and repatriation facilities with respect to themselves, their spouses, and dependent members of their families as are accorded in times of international crisis to diplomatic envoys;

viii) The right to import for their personal use, free of customs duties and all taxes (including value added and sales tax), prohibitions and restrictions on imports:

I) Within six months of taking up residence in the Host Country, their furniture, household and personal effects and the right to re-export such materials without customs duty or taxes on the termination of their functions in the Host Country. Such material shall not be for sale in the local market without paying customs duty or any other applicable tax. The Government shall give due consideration to any request for extension or waiver of the six month period that is substantiated by the Official concerned and supported by the UNFPA;

II) In accordance with existing Government regulations, one automobile at a time. Automobiles imported in accordance with this provision may be sold in the Host Country at any time after their importation, subject to the applicable regulations of the Host Country;

III) Reasonable quantities of certain articles including liquor, tobacco and foodstuff, for personal use or consumption and not for gift or sale, in accordance with existing Government regulations;

ix) Exemption from vehicles tax and related taxes;

x) Officials shall be entitled, on the termination of their functions in the Host Country, to export their furniture and personal effects, including motor vehicles, without duties and taxes;

xi) For themselves and members of their families, on terms not less favourable than citizens of the Host Country, the right of access to universities and other institutions of higher education, in accordance with the applicable entry requirements for such institutions, for the purpose of obtaining graduate and post-graduate degrees and related training leading to the attainment of the relevant educational and professional qualifications required in the Host Country.

b) Officials of the nationality of the Host Country or with permanent residency status in the Host Country shall enjoy only those privileges and immunities provided for in Section 18 of the Convention, subject to the reservations established by the Host Country upon its accession to the Convention.

c) In accordance with the provisions of Section 17 of the Convention, the appropriate authorities shall be periodically informed of the names of the Officials assigned to the Office.

Section 16

a) Without prejudice to the provisions of this Article, the Director and the Deputy Director of the Office as well as their spouses and dependent family members shall enjoy during their residence in the Host Country privileges, immunities and facilities granted to diplomatic enjoys, in accordance with international law. Their names shall be included on the diplomatic list.

ARTICLE XIII ***Experts on Mission***

Section 17

Experts, other than officials, performing missions for the Office shall be accorded the privileges and immunities as set out in Articles VI and VII of the Convention.

ARTICLE XIV ***Persons Performing Services for the Office***

Section 18

The Government shall grant all persons performing services for the Office immunity from legal process in respect of words spoken or written and acts performed by them in their official capacity for the United Nations, and such immunity shall continue

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to be accorded after termination of their engagement with the Office. They shall be accorded such other facilities as may be necessary for the independent performance of their functions for the Office. Such immunity shall not apply to any act taken by such persons outside the performance of their services for the United Nations.

ARTICLE XV
Waiver of Immunity

Section 19

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 shall have the right and the duty to waive the immunity of any individual referred to in Articles XII, XIII and XIV 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 Organization.

ARTICLE XVI
Cooperation with the appropriate authorities

Section 20

Without prejudice to the privileges and immunities accorded by this Agreement, all persons enjoying such privileges and immunities must comply with the laws and regulations of the Host Country, and not to interfere in the internal affairs of the Host Country.

Section 21

Without prejudice to the privileges and immunities referred to in this Agreement, the Office shall co-operate at all times with the appropriate authorities to facilitate the proper administration of justice, secure the observance of the laws of the Host Country and prevent the occurrence of any abuse in connection with the facilities, privileges and immunities accorded to persons referred to in the present Agreement.

ARTICLE XVII
Entry into, exit from, movement and sojourn within the Host Country

Section 22

In respect of all officials of the Office and persons performing services for the Office the Government shall take all necessary measures to facilitate their entry into, exit from, sojourn to and free movement within the Host Country with the exception of

restricted areas designated pursuant to national legislation. Visas, entry permits or licenses, where required, shall be granted as promptly as possible and free of charge.

ARTICLE XVIII
Laissez-Passer

Section 23

The Government shall recognize and accept the United Nations *Laissez-Passer* issued by the United Nations as a valid travel document equivalent to a passport. In accordance with the provisions of Section 26 of the Convention, the Government shall also recognize and accept the United Nations Certificate issued to persons travelling on official business of the United Nations.

Section 24

Applications for the necessary permits or visas, where required, by officials holding the United Nations *Laissez-Passer* and their dependents, shall be dealt with as speedily as possible and free of charge. In addition, such persons shall be granted facilities for speedy travel. The Government further agrees to issue any required visa on the United Nations *Laissez-Passer* or national passport.

Section 25

Similar facilities to those specified in Section 24, above, shall be accorded to experts and other persons who, though not the holders of United Nations *Laissez-Passer*, are confirmed by the Office as travelling on official business of the United Nations.

ARTICLE XIX
Identification Cards

Section 26

- a) All officials of the Office shall be granted identity cards by the appropriate authorities of the Host Country as provided to international organizations.
- b) Any other individuals holding United Nations Certificates shall be granted temporary identity cards by the appropriate authorities of the Host Country subject to a minimum period of service to be agreed upon between the Office and the Host Country.

ARTICLE XX
United Nations Flag and Emblem

Section 27

The Office shall have the right to display the emblem of the United Nations or UNFPA and the flag of the United Nations on its premises, vehicles, aircraft and vessels.

ARTICLE XXI
Social Security

Section 28

a) The Parties agree that, owing to the fact that the officials of the United Nations are subject to the United Nations Staff Regulations and Rules, including Article VI thereof, which establishes a comprehensive social security scheme, the United Nations and its officials, irrespective of nationality, shall be exempt from the laws of the host country on mandatory coverage and compulsory contributions to the social security schemes of the Host Country during their appointment with UNFPA.

b) The provisions of paragraph (a) above shall apply *mutatis mutandis* to the members of families forming part of the household of persons referred to in paragraph a) above, unless they are employed or self-employed in the Host Country or receive social security benefits from the Government.

ARTICLE XXII
Access to the Labour Market for Family Members and Issuance of Visas and Residence Permits to Household Employees

Section 29

a) The appropriate authorities shall grant working permits for spouses of officials assigned to the Office whose duty station is in the Host Country, and their children forming part of their household who are under 21 years of age or economically dependent. The regulations of the Host Country shall apply in connection to granting of such permits. Insofar as they engage in gainful occupation, privileges and immunities shall not apply with respect to such occupation.

b) The competent authorities shall issue visas and residence permits and any other documents, where required, to household employees of officials assigned to the Office as speedily as possible.

ARTICLE XXIII
Settlement of Disputes

Section 30

- a) The United Nations shall make provisions for agreed modes of settlement of:
- i) Disputes arising out of contracts and disputes of a private law character to which the United Nations is a party; and
 - ii) Disputes involving an official of or an expert on mission for UNFPA who, by reason of his or her official position, enjoys immunity, if such immunity has not been waived.
- b) Any dispute between the Parties arising out of, or relating to this Agreement, which is not settled by negotiation or another agreed mode of settlement, shall, at the request of either Party, be submitted to a Tribunal of three arbitrators. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the chairperson of the Tribunal. If, within thirty days of the request for arbitration, a Party has not appointed an arbitrator, or if, within fifteen 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 the arbitrator referred to. The Tribunal shall determine its own procedures, provided that any two arbitrators shall constitute a quorum for all purposes, and all decisions shall require the agreement of any two arbitrators. The expenses of the Tribunal shall be borne by the Parties as assessed by the Tribunal. The arbitral award shall contain a statement of the reasons on which it is based and shall be final and binding on the Parties.

ARTICLE XXIV
Final Provisions

Section 31

- a) It is the understanding of the Parties that if the Government enters into any Agreement with an intergovernmental organization containing terms and conditions more favourable than those extended to UNFPA under this present Agreement, such terms and conditions shall be extended to UNFPA at its request, by means of a supplemental Agreement.
- b) The seat of the Office shall not be removed from the premises unless UNFPA so decides.

Section 32

This Agreement may be amended only by written agreement between the Parties hereto. Each Party shall give full consideration to any proposal advanced by the other Party under this Section.

Section 33

- a) This Agreement, and any amendment thereto pursuant to Section 32, shall enter into force on the first day of the month following the day the Government has notified the United Nations that the necessary constitutional conditions for its entry into force have been fulfilled.
- b) This Agreement may be terminated by either Party by written notice to the other and shall terminate six months after the receipt of such notice. Notwithstanding any such notice of termination, this Agreement shall remain in force until complete fulfilment or termination of all obligations entered into by virtue of this Agreement.
- c) This Agreement shall, however, remain in force for such an additional period as might be necessary for the orderly cessation of the activities of the Office, and the resolution of any dispute between the Parties.

IN WITNESS WHEREOF the undersigned, being the duly appointed representatives of the respective Parties, have signed this Agreement in the English language, in duplicate.

DONE at New York, this 1st day of July, 2010.



For the United Nations Population Fund



For the Government of the Republic of Turkey