

No. 29492

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**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.*

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**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.*

AGREEMENT<sup>1</sup> 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;<sup>2</sup>

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;

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

<sup>2</sup> 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;<sup>1</sup>
- (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;<sup>2</sup>
- (l) "UNICEF" means the United Nations Children's Fund established pursuant to United Nations General Assembly Resolution 57(1) of 11 December 1946;<sup>3</sup>
- (m) "UNEP" means the United Nations Environment Programme established pursuant to United Nations General Assembly resolution 2997 (XXVII) of 15 December 1977;<sup>4</sup>
- (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.

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

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

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

<sup>4</sup> *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;