

No. 30001

**UNITED NATIONS
(UNITED NATIONS HIGH
COMMISSIONER FOR REFUGEEES)
and
ROMANIA**

**Headquarters Agreement. Signed at Geneva on 12 August
1992**

Authentic texts: English and Romanian.

Registered ex officio on 1 May 1993.

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

Accord de siège. Signé à Genève le 12 août 1992

Textes authentiques : anglais et roumain.

Enregistré d'office le 1^{er} mai 1993.

AGREEMENT¹ BETWEEN THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES AND THE GOVERNMENT OF ROMANIA

WHEREAS the Office of United Nations High Commissioner for Refugees was established by the United Nations General Assembly Resolution 319 (IV)² of 3 December 1949,

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)³ of 14 December 1950, 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 fall within the scope of the Statute and of seeking permanent solutions for the problem of refugees by assisting governments and, subject to the approval of the governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities,

WHEREAS the Office of the United Nations High Commissioner for Refugees, a subsidiary organ established by the General Assembly pursuant to Article 22 of the Charter of the United Nations, is an integral part of the United Nations whose status, privileges and immunities are governed by the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946,⁴

WHEREAS the Office of the United Nations High Commissioner for Refugees and the Government of Romania wish to establish the terms and conditions under which the Office, within its mandate, shall be represented in the country,

NOW THEREFORE, the Office of the United Nations High Commissioner for Refugees and the Government of Romania, in a spirit of friendly co-operation, have entered into this Agreement.

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,

¹ Came into force on 21 December 1992, the date of the notification by the Government of Romania confirming the completion of its domestic requirements, in accordance with article XVII (1).

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

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

⁴ United Nations, *Treaty Series*, vol. 1, p.15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

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 Romania,

d) "Host Country" or "Country" means Romania,

e) "Parties" means UNHCR and the Government,

f) "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,

g) "UNHCR Office" means all the offices and premises, installations and facilities occupied or maintained in the country,

h) "UNHCR Representative" means the UNHCR official in charge of the UNHCR office in the country,

i) "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 in General Assembly resolution 76(I),¹

j) "Experts on mission" means individuals, other than UNHCR officials or persons performing services on behalf of UNHCR, undertaking mission for UNHCR,

k) "Persons performing services on behalf of UNHCR" means natural and juridical persons and their employees, other than nationals of the host country, retained by UNHCR to execute or assist in the carrying out of its programmes,

l) "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 office in the country, and carry out its international protection and humanitarian assistance functions in favour of refugees and other asylum seekers in the host country, in accordance with the Convention relating to the Status of Refugees of 1951² and the Protocol relating to the Status of Refugees of 1967.³

ARTICLE III

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 asylum seekers in the host country shall be carried out on the basis of the Statute of UNHCR, of other relevant decisions and resolutions relating to UNHCR adopted by United Nations organs and of article 35 of the Convention relating to the Status of Refugees of 1951 and article 2 of the Protocol relating to the Status of Refugees of 1967.

¹ Resolutions adopted by the General Assembly during the second part of its first session from 23 October to 15 December 1946 (A/64/Add.1), p. 139.

² United Nations, *Treaty Series*, vol. 189, p. 137.

³ *Ibid.*, vol. 606, p. 267.

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 to be 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 project agreements to be signed by the Government and UNHCR.

4. The Government shall at all times grant UNHCR personnel unimpeded access to refugees and other asylum seekers in the host country and to the sites of UNHCR projects in order to monitor all phases of their implementation.

ARTICLE IV

UNHCR OFFICE

1. The Government welcomes that UNHCR establish and maintain an office or, when necessary, offices in the country for providing international protection and humanitarian assistance to refugees and other asylum seekers in the host country.

2. UNHCR may designate, with the consent of the Government, the UNHCR office in the country to serve as a Regional/Area office and the Government shall be notified in writing of the number and level of the officials assigned to it.

3. The UNHCR office will exercise functions as assigned by the High Commissioner, in relation to his mandate for refugees and other asylum seekers in the host country, including the establishment and maintenance of relations between UNHCR and other governmental or non-governmental organizations functioning in the country.

ARTICLE V

UNHCR PERSONNEL

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

2. The Government shall be informed of the names of 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 non-governmental organizations 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 for the problem of refugees; and (d) any other matters relating to the application of this Agreement.

ARTICLE VI

FACILITIES FOR IMPLEMENTATION OF UNHCR HUMANITARIAN PROGRAMMES

1. The Government will consider with UNHCR, any measure which may be 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 may include as appropriate facilities of communication and transportation.

2. The Government, in agreement with UNHCR, shall assist the UNHCR officials in finding appropriate office premises.

3. The office premises as well as the cost of local services and facilities for the UNHCR office will be covered by UNHCR. The Government may agree to assume gradually the cost for such premises and facilities when the possibilities to this effect will be created.

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

5. The Government shall take adequate measures, when required, to ensure the security and protection of the premises of the UNHCR office and its personnel.

6. The Government shall facilitate the location of suitable housing accommodation for UNHCR personnel recruited internationally.

ARTICLE VII

PRIVILEGES AND IMMUNITIES

1. The Government shall apply to UNHCR, its property, funds and assets, and to its officials and experts on mission the relevant provisions of the Convention on the Privileges and Immunities of the United Nations to which the Government became a party on 5 July 1956. The Government also agrees to grant to UNHCR and its personnel such additional 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 paragraph 1 of this Article, the Government shall in particular extend to UNHCR the privileges, immunities, rights and facilities provided in articles VIII to XV of this Agreement.