

No. 30071

**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.

**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^{er} juin 1993.

CO-OPERATION AGREEMENT¹ 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 1949,²

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 1950,³ 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 ratification⁴ of the Protocol on the Status of Refugees,⁵ 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:

¹ 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).

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

⁵ 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);¹

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;

¹United 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