

No. 43424

**United Nations
and
Spain**

Agreement between the United Nations and the Kingdom of Spain concerning the establishment of the United Nations Office to Support the International Decade for Action, "Water for Life", 2005 - 2015. New York, 22 December 2006

Entry into force: *provisionally on 22 December 2006 by signature, in accordance with article 22(2)*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *ex officio, 5 January 2007*

**Organisation des Nations Unies
et
Espagne**

Accord entre l'Organisation des Nations Unies et le Royaume d'Espagne relatif à la création du Bureau des Nations Unies pour appuyer la Décennie internationale d'action sur le thème "L'eau, source de vie", 2005 - 2015. New York, 22 décembre 2006

Entrée en vigueur : *provisoirement le 22 décembre 2006 par signature, conformément au paragraphe 2 de l'article 22*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *d'office, 5 janvier 2007*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE UNITED NATIONS AND THE KINGDOM
OF SPAIN CONCERNING THE ESTABLISHMENT OF THE UNITED
NATIONS OFFICE TO SUPPORT THE INTERNATIONAL DECADE
FOR ACTION, "WATER FOR LIFE", 2005 - 2015

The United Nations and the Kingdom of Spain,

Whereas the General Assembly of the United Nations by its resolution 58/217 of 23 December 2003, proclaimed the years 2005 - 2015 as the International Decade for Action, "Water for Life";

Whereas Spain has informed the United Nations of its willingness to provide facilities and funds necessary for carrying out the project and in order to establish the United Nations Office to Support the International Decade for Action, "Water for Life" in Zaragoza, and for that purpose Spain and the United Nations concluded a Technical Co-operation Trust Fund Agreement on 19 September 2006;

Whereas Spain agrees to grant the Office all the necessary privileges, immunities, exemptions and facilities to enable the Office to perform its functions, including its programmes of work, projects and other relevant activities;

Bearing in mind that the Convention on the Privileges and Immunities of the United Nations adopted by the United Nations General Assembly on 13 February 1946, to which Spain acceded on 31 July 1974, is applicable to the Office;

Desiring to conclude an Agreement defining the arrangements necessary for the effective discharge of the functions by the Office.

Have agreed as follows:

Article 1. Definitions

In this Agreement:

- (a) The expression "Office" means the United Nations Office to Support the International Decade for Action, "Water for Life", 2005 - 2015;
- (b) The expression "Spain" means the Kingdom of Spain;
- (c) The expression "appropriate authorities" means the competent authorities of Spain in accordance with its laws;
- (d) The expression "Office premises" means the premises, being the buildings and structures, equipment and other installation facilities, as well as the surrounding grounds and any other premises occupied or used by the Office in Spain, in accordance with this Agreement or any other supplementary agreement with the competent Spanish authorities;
- (e) The expression "the General 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, to which Spain acceded on 31 July 1974;

- (f) The expression "Secretary-General" means the Secretary-General of the United Nations or his/her authorized representative;
- (g) The expression "officials of the Office" means the Head of Office and all members of the staff of the Office, coming within the scope of Article V of the General Convention;
- (h) The expression "experts on missions" means persons, other than officials of the Office, undertaking missions for the United Nations and coming within the scope of Articles VI and VII of the General Convention.
- (i) The term "Decade" refers to the International Decade for Action, "Water for Life", 2005-2015, which was proclaimed by the United Nations General Assembly in its resolution 58/217, of 23 December 2003;
- (j) The expression "Trust Fund Agreement" means the Technical Cooperation Trust Fund Agreement concluded on 19 September 2006 between the United Nations and Spain.

Article 2. Establishment of the Office

United Nations Office to support the International Decade for Action, "Water for Life", 2005 -- 2015 shall be established in the city of Zaragoza, Spain, to carry out the functions assigned to it by the Secretary General, within the framework of the Decade.

Article 3. Status of the Office

1. The Office premises shall be under the authority and control of the United Nations.
2. The Office premises shall be inviolable. No Spanish authorities shall enter the Office premises except upon the agreement or at the request of the Head of Office and under conditions agreed to by him/her.

Article 4. Security and protection

1. The appropriate authorities shall ensure the security and protection of the Office premises and exercise due diligence to ensure that the tranquility of the Office premises is not disturbed by the unauthorized entry of persons or groups of persons from outside or by disturbances in its immediate vicinity. If so requested by the Head of Office, the appropriate authorities shall provide adequate police force necessary for the preservation of law and order in the Office premises or in its immediate vicinity, and for the removal of persons therefrom.
2. The appropriate authorities shall take effective and adequate action which may be required to ensure the appropriate security, safety and protection of persons referred to in this Agreement, indispensable for the proper functioning of the Office free from interference of any kind.

Article 5. Public services

1. The appropriate authorities shall facilitate, upon request of the Head of Office and under terms and conditions not less favourable than those accorded by Spain to any diplomatic mission, access to the public services needed by the Office such as, but not limited to, postal, telephone and telegraphic services, electricity, water, gas, sewage, collection of waste, fire protection, local transportation and cleaning of public streets.

2. In case where electricity, water, gas or other services referred to in paragraph 1 above are made available to the Office by the appropriate 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.

3. 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.

4. The provisions of this Article shall not prevent the reasonable application of fire protection or sanitary regulations of Spain.

Article 6. Communications facilities

1. For postal, telephone, satellite, telegraph, telephoto, television, radio and other communications, the Office shall enjoy treatment not less favourable than that accorded to the diplomatic missions accredited to Spain with regard to any priorities, rates and charges on mail, telephone calls, satellite, telegraph, telephoto and other communications, as well as rates as may be agreed upon for news reported to the press, television and radio.

2. The Office shall have the right to operate radio, satellite and other telecommunications equipment for data, voice and other types of transmissions, on United Nations registered frequencies and those allocated by the appropriate authorities, between its Offices, within and outside Spain and in particular with Headquarters in New York, in accordance with the regulations in force.

Article 7. Freedom of access

1. The appropriate authorities shall not impede the transit to or from the Office premises and sojourn in Spain.

2. Visas, entry permits, where required, shall be granted to the officials of the Office, their dependents and persons invited thereto in connection with the official work and activities of the Office as promptly as possible and without charge.

Article 8. Funds, assets and other property

1. The Office, its funds, assets and other property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in

any particular case the United Nations has expressly waived the immunity. It is understood, however, that no waiver of immunity shall extend to any measure of execution.

2. The property and assets of the Office shall be exempt from restrictions, regulations, controls and moratoria of any nature.

3. Without being restricted by financial controls, regulations or moratoria of any kind, the Office:

- (a) May hold and use funds 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 or currency from Spain to another country, or within Spain, to the United Nations or any other agency;
- (c) Shall enjoy the most favourable, legally available rate of exchange for its financial transactions.

Article 9. Exemption from taxes, duties, import or export restrictions

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

- (a) Exemption from all direct and indirect taxes and levies; 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 appropriate authorities or by a corporation under Spanish laws and regulations at a fixed rate according to the amount of services rendered, and which can be specifically identified, described and itemized;
- (b) Exemption from customs charges, as well as limitations and restrictions on the import or export of materials imported or exported by the Office for its official use, it being understood that tax free imports cannot be sold in Spain except under conditions agreed to by the appropriate authorities;
- (c) Exemption from all limitations and restrictions on the import or export of publications, still and moving pictures, films, tapes, diskettes and sound recordings imported, exported or published by the Office within the framework of its official activities.

Article 10. Inviolability of archives and all documents of the Office

The archives of the Office, and in general all documents and materials made available, belonging to or used by it, wherever located in Spain and by whomsoever held, shall be inviolable.

Article 11. Officials of the Office

1. The officials of the Office shall enjoy in Spain the following privileges, immunities and facilities: