

No. 44959*

**United Nations
and
Fiji**

Agreement between the United Nations and the Government of the Republic of the Fiji Islands relating to the establishment in Fiji of the Pacific Operations Centre of the United Nations Economic and Social Commission for Asia and the Pacific. Bangkok, 12 May 2008

Entry into force: *12 May 2008 by signature, in accordance with article XII*

Authentic texts: *English*

Registration with the Secretariat of the United Nations: *ex officio, 12 May 2008*

**Organisation des Nations Unies
et
Fidji**

Accord entre l'Organisation des Nations Unies et le Gouvernement de la République des Fidji relatif à l'établissement aux Fidji du Centre des activités opérationnelles dans le Pacifique de la Commission économique et sociale des Nations Unies pour l'Asie et le Pacifique. Bangkok, 12 mai 2008

Entrée en vigueur : *12 mai 2008 par signature, conformément à l'article XII*

Textes authentiques : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *d'office, 12 mai 2008*

* *The text reproduced below is the original text of the agreement as submitted. For ease of reference, it was sequentially paginated. The final UNTS version of it is not yet available.
Le texte reproduit ci-dessous est le texte authentique de l'accord tel que soumis pour enregistrement. Pour référence, il a été présenté sous forme de la pagination consécutive.
La version finale RTNU n'est pas encore disponible.*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE UNITED NATIONS AND THE GOVERNMENT OF THE REPUBLIC OF
THE FIJI ISLANDS
RELATING TO THE ESTABLISHMENT IN FIJI OF
THE PACIFIC OPERATIONS CENTRE
OF THE UNITED NATIONS ECONOMIC AND SOCIAL COMMISSION
FOR ASIA AND THE PACIFIC**

The United Nations and the Government of the Republic of the Fiji Islands,

Considering that at its 60th Session the United Nations Economic and Social Commission for Asia and the Pacific, by resolution 60/6 of 28 April 2004 on the Revitalization of the UNESCAP Pacific Operations Centre (EPOC) decided to move the Pacific Operations Centre to the Republic of the Fiji Islands from the Republic of Vanuatu;

Desiring to conclude an agreement for the purpose of the establishment of a Pacific Operations Centre in the Republic of the Fiji Islands;

Whereas the Government of the Republic of the Fiji Islands agrees to ensure the availability of all the necessary facilities to enable the Pacific Operations Centre to perform its functions and any related activities;

Have agreed as follows:

**ARTICLE I
Definitions**

SECTION 1

In this Agreement, unless the context otherwise requires, the following terms have the following meanings:

- [a] “The EPOC” means the United Nations ESCAP Pacific Operations Centre;
- [b] “ESCAP” means the United Nations Economic and Social Commission for Asia and the Pacific;
- [c] “The Government” means the Government of the Republic of the Fiji Islands;
- [d] “Head” means the Head of the EPOC or his authorized representative;
- [e] “Laws of Fiji” means the Constitution and Laws of the Republic of the Fiji Islands, and includes decrees, ordinances regulations and orders, issued by or under authority of the Government or its agencies;
- [f] “Working Site” means the premises occupied by the EPOC, including any buildings and the land ancillary thereto as may be utilized for the purposes of the EPOC;

- [g] “Archives of the EPOC” means all records, correspondence, documents and other materials belonging to or held by or on behalf of the EPOC;
- [h] The expression “officials of the EPOC” means the Head and all members of his staff whether stationed in the Republic of the Fiji Islands or elsewhere and who are assigned to the Republic of the Fiji Islands for any period of time for the purpose of the EPOC, irrespective of nationality, with the exception of officials or employees who are both locally recruited and assigned to hourly rates;
- [i] The expression “expert of the EPOC” means expert on missions for the United Nations as referred to in Section 22 of the Convention on the Privileges and Immunities of the United Nations;
- [j] “Property” means all property including funds, assets and rights belonging to the EPOC or held or administered by it in furtherance of its constitutional functions;
- [k] “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 the Republic of the Fiji Islands is a party;
- [l] “Representatives of Governments” includes all delegates, deputy delegates, representatives, alternates, advisers, technical experts, and secretaries of delegates.

ARTICLE II

Juridical Personality and Capacity

SECTION 2

The United Nations acting through the EPOC shall have full juridical personality and in particular the full capacity:

- [a] To contract;
- [b] To acquire and dispose of immovable and movable property; and
- [c] To institute legal proceedings.

ARTICLE III

Control of Working Site

SECTION 3

The Working Site shall be under the control and authority of the EPOC.

SECTION 4

- [a] The Working Site shall be inviolable. Government officers and officials shall not enter the Working Site to perform their official duties except upon the agreement or at the request of the Head of the EPOC;

- [b] Without prejudice to the provisions of the General Convention or of this Agreement, the EPOC shall prevent the Working Site from being used as a refuge by persons who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process or judicial proceedings;
- [c] The archives of the EPOC and in general all documents belonging to or held by the EPOC shall be inviolable.

SECTION 5

- [a] The appropriate authorities of the Republic of the Fiji Islands shall exercise due diligence to ensure that the tranquility of the Working Site is not disturbed by any person attempting unauthorized entry or creating disturbance in the immediate vicinity of the Working Site;
- [b] If so requested by the United Nations or the Head of the EPOC, the appropriate authorities of the Republic of the Fiji Islands shall provide a sufficient number of police for the preservation of law and order in the Working Site, and for the removal therefrom of offenders.

ARTICLE IV

Property, Funds and Assets

SECTION 6

The EPOC shall in respect of its property, wherever located and by whomsoever held, enjoy immunity from every form of legal process except insofar as in any particular case the United Nations has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

SECTION 7

The Working Site and the property of the EPOC, 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.

SECTION 8

The assets, income and other property of the EPOC shall be exempt:

- [a] From any form of direct taxation. The EPOC, however, will not claim exemption from taxes, which are, in fact, no more than charges for public utility services;
- [b] From customs duties and from prohibitions and restrictions on imports and exports in respect of articles imported or exported by the EPOC for its official use, on the understanding that articles imported under such immunity shall not be sold within the country except in accordance with conditions to be mutually agreed upon;

- [c] From customs duties and prohibitions and restrictions in respect of the import and export of its publications.

SECTION 9

The EPOC shall be exempt from excise duties, sales, and luxury taxes and all other indirect taxes when it is making important purchases for official use by the EPOC of property on which such duties or taxes are normally chargeable. However, EPOC will not, as a general rule, claim exemption from excise duties, and from taxes on the sale of movable and immovable property which form part of the price to be paid, and cannot be identified separately from the sales price.

SECTION 10

Notwithstanding financial controls, regulations or moratoria of any kind, the United Nations acting through the EPOC may in the Republic of the Fiji Islands, freely:

- [i] Purchase, hold and dispose of any funds, currencies, financial instruments and securities, operate accounts in any currency, engage in financial transactions and conclude financial contracts; and,
- [ii] Transfer its funds, currencies, financial instruments, securities, to or from the Republic of the Fiji Islands, from or to any other country or within the Republic of the Fiji Islands and convert any currency held by it into any other currency.

ARTICLE V **Communications**

SECTION 11

- [a] For postal, telephone, telegraph, internet or e-mail communications etc., the Government shall accord to the EPOC a treatment equivalent to that accorded to all other Governments including their diplomatic missions, or to other intergovernmental organizations in regard to any priorities, tariffs and charges on mail, cablegrams, telephotos, telephone calls and other communications;
- [b] The Government shall secure the inviolability of the official communications of the EPOC, whatever the means of communications employed, and shall not apply any censorship to such communications;
- [c] The EPOC shall have the right to use codes and to despatch and receive official communications, whatever the means of communications employed.