

No. 47163

**United Nations (Office of the United Nations High Commissioner for Refugees)
and
Malta**

Agreement between the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Government of Malta. Geneva, 25 November 2009

Entry into force: *25 November 2009 by signature, in accordance with article XVI*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *ex officio, 1 February 2010*

**Organisation des Nations Unies (Haut-Commissariat des Nations Unies pour les réfugiés)
et
Malte**

Accord entre le Haut-Commissariat des Nations Unies pour les réfugiés (HCR) et le Gouvernement de Malte. Genève, 25 novembre 2009

Entrée en vigueur : *25 novembre 2009 par signature, conformément à l'article XVI*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *d'office, 1^{er} février 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement
between
The Office of the United Nations High Commissioner for
Refugees (UNHCR)
and
the Government of Malta

WHEREAS the Office of the United Nations High Commissioner for Refugees was established by the United Nations General Assembly Resolution 3-19 (IV) 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) 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,

WHEREAS the Statute of the Office of the United Nations High Commissioner for Refugees provides in its Article 16 that the High Commissioner shall consult the governments of the countries of residence of refugees as to the need for appointing representatives therein and that in any country recognising such need, there may be appointed a representative approved by the government of that country,

WHEREAS the Office of the United Nations High Commissioner for Refugees and the Government of Malta 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 Malta, in 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.
- 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 Malta.
- d) "Host Country" or "Country" means Malta.
- e) "Parties" means UNHCR and the Government.
- f) "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.
- g) "UNHCR Office" means all the offices and premises, installations and facilities occupied or maintained 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 in General Assembly resolution 76 (I).
- i) "Experts 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, retained by UNHCR to execute or assist in the carrying out of its programmes.
- k) 'Dependent relatives' means the spouses of UNHCR officials and children under the age of twenty-one forming part of their household.
- 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 and/or maintain an office or offices in the country, and carry out its international protection and humanitarian assistance functions in favour of refugees and other persons of its concern in the host country.

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 persons of concern to UNHCR 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 (attached as Annex I and II to the present Agreement).
2. The UNHCR Office shall maintain consultations and co-operate with the Government with respect to the preparation, implementation and review of projects for refugees and other persons of concern to UNHCR.
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 persons of concern to UNHCR 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 establishes and maintains 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 may designate the UNHCR office in another country to serve as a Regional Office and to support the UNHCR Office in Malta.
3. The UNHCR Office will exercise functions as assigned by the High Commissioner, in relation to his mandate for refugees and other persons of his concern, 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 categories of officials and the names of the officials included in these categories, and of other personnel assigned to the UNHCR Office in the country, shall from time to time be made known to the Government.

3. UNHCR officials, experts on mission and other persons performing services on behalf of UNHCR shall be provided by the Government with a special identity card certifying their status under this Agreement.

4. 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 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 shall take any measure necessary to exempt UNHCR officials, experts on missions and persons performing services on behalf of UNHCR from regulations and other legal provisions which may interfere with operations and projects carried out under this Agreement. This exemption shall be applicable to the granting of air traffic rights, air traffic landing fees and royalties for emergency relief cargo flights as well as transportation of refugees and/or UNHCR personnel. Other possible exemptions shall be discussed on an ad hoc basis. The Government shall also grant such facilities as may be necessary for the speedy and efficient execution of UNHCR humanitarian programmes for refugees in the country.

2. The Government shall provide assistance to UNHCR officials in finding appropriate office premises. All expenses related to such premises, including lease of such premises, shall be borne solely by UNHCR.

3. The Government shall strive to ensure that the UNHCR Office is supplied with the necessary public services, and that such public utility services are rendered at current market price.

4. The Government shall take all appropriate measures to ensure the safety and security of UNHCR personnel. In particular, it shall take all appropriate steps to protect UNHCR personnel and the UNHCR Office's premises and equipment from attack or any action that prevents UNHCR personnel from discharging UNHCR's mandate. This is without prejudice to the fact that all premises of UNHCR Offices are inviolable and subject to the exclusive control and authority of UNHCR.