

No. 48688

**United Nations
and
Kazakhstan**

Agreement between the United Nations and the Government of the Republic of Kazakhstan relating to the establishment of the Subregional Office for North and Central Asia of the United Nations Economic and Social Commission for Asia and the Pacific. Astana, 4 May 2011

Entry into force: *provisionally on 4 May 2011*

Authentic texts: *English and Kazakh*

Registration with the Secretariat of the United Nations: *ex officio, 7 June 2011*

**Organisation des Nations Unies
et
Kazakhstan**

Accord entre l'Organisation des Nations Unies et le Gouvernement de la République du Kazakhstan relatif à la création du Bureau sous-régional pour l'Asie du Nord et l'Asie centrale de la Commission économique et sociale pour l'Asie et le Pacifique des Nations Unies. Astana, 4 mai 2011

Entrée en vigueur : *provisoirement le 4 mai 2011*

Textes authentiques : *anglais et kazakh*

Enregistrement auprès du Secrétariat des Nations Unies : *d'office, 7 juin 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN THE UNITED NATIONS AND
THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN
RELATING TO THE ESTABLISHMENT OF THE SUBREGIONAL
OFFICE FOR NORTH AND CENTRAL ASIA OF THE UNITED
NATIONS ECONOMIC AND SOCIAL COMMISSION
FOR ASIA AND THE PACIFIC**

The United Nations and the Government of the Republic of Kazakhstan,

CONSIDERING that the General Assembly of the United Nations decided in its resolution 63/260 of 24 December 2008, to approve the establishment of the Sub-regional Office for North and Central Asia of the United Nations Economic and Social Commission for Asia and the Pacific,

WHEREAS the Commission, in its letter dated 30 November 2009, following a comprehensive process of consultations with member States, accepted the offer from the Government of the Republic of Kazakhstan, to host the ESCAP Sub-regional Office for North and Central Asia in Almaty,

WHEREAS the Government of the Republic of Kazakhstan agrees to ensure the availability of all necessary facilities to enable the Sub-regional Office to perform its functions and any related activities,

DESIRING to conclude an agreement for the purpose of the establishment of an ESCAP Sub-regional Office for North and Central Asia in the Republic of Kazakhstan.

HAVE AGREED as follows:

Article I
DEFINITIONS

For the purpose of the present Agreement, the following definitions shall apply:

- (a) "Office" means the ESCAP Sub-regional Office for North and Central Asia in Almaty;
- (b) "The Government" means the Government of the Republic of Kazakhstan;
- (c) "The competent authorities" means central, local and other competent authorities under the law of the Republic of Kazakhstan;

(d) "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;

(e) "Parties" means the United Nations and the Government of the Republic of Kazakhstan;

(f) "Head of the Office" means the official in charge of the United Nations Office;

(g) "Officials of the Office" means the Head of the Office and all members of its staff, irrespective of nationality, employed under the Staff Rules and Regulations 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) of 7 December 1946;

(h) "Experts on mission" means individuals, other than Office officials or persons performing services on behalf of the United Nations, undertaking missions, coming within the scope of Articles VI and VII of the Convention;

(i) "Persons performing services on behalf of the United Nations" means individual contractors, other than officials engaged by the Office, to execute or assist in the carrying out of its programmes or other related activities;

(j) "ESCAP" means the United Nations Economic and Social Commission for Asia and the Pacific;

(k) "Office premises" means all the premises occupied by the Office or field sub-offices, including installations and facilities made available to or occupied, maintained or used by the United Nations in the Republic of Kazakhstan and notified as such to the Government;

(l) The expression "United Nations Office Agreement" means the Agreement between the United Nations and the Government of the Republic of Kazakhstan relating to the establishment of a United Nations Interim Office in Kazakhstan concluded on 5 October 1992;

(m) "Organization" means the United Nations;

(n) "State" means the Republic of Kazakhstan.

Article II

PURPOSE AND SCOPE OF ACTIVITIES

1. The purpose of the Office is to promote inclusive and sustainable development and the achievement of the internationally agreed development goals, including the Millennium Development Goals, focusing on the specific priorities of ESCAP member States in North and Central Asia.
2. The presence of the Office will strengthen ESCAP presence and interventions at the subregional level, enabling better targeting and delivery of programmes that address specific key priorities of member States in North and Central Asia subregion.

Article III

ESTABLISHMENT OF THE SUB-REGIONAL OFFICE

The Sub-regional Office shall be established in the city of Almaty, Republic of Kazakhstan, to carry out the functions of a Sub-regional office of ESCAP for North and Central Asia.

Article IV

THE UNITED NATIONS OFFICE AGREEMENT

1. The Parties recall the United Nations Office Agreement, which applies, *inter alia*, to the United Nations Development Programme, the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Environmental Programme and the United Nations Population Fund in Kazakhstan, and recall, in particular, paragraph 2 of Article XVIII of the United Nations Office Agreement entitled "Supplemental Agreements" which provides that the United Nations and the Government may enter into any supplemental Agreement as both Parties may deem appropriate.
2. The Parties agree that the United Nations Office Agreement shall apply, *mutatis mutandis*, to ESCAP in Kazakhstan, including its Sub-regional Office.

Article V

SECURITY AND PROTECTION

1. The competent authorities shall ensure the security and protection of the Office premises and exercise due diligence to ensure that the tranquillity 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 competent 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 there from.

2. The competent authorities shall take effective and adequate action which may be required to ensure the appropriate security, safety and protection of officials of the Office, experts on mission, persons performing services on behalf of the United Nations and locally recruited personnel assigned to hourly rates, which is indispensable for the proper functioning of the Office free from interference of any kind.

Article VI

PARTICIPANTS IN UNITED NATIONS' MEETINGS

1. Representatives of Members of the United Nations invited to meetings, seminars, training courses, symposiums, workshops and similar activities organized by the Office and other related organizations shall, while exercising their functions, enjoy the privileges and immunities as set out in Article IV of the Convention.

2. The Government, in accordance with relevant United Nations principles and practices and the present Agreement, shall respect the complete freedom of expression of all participants of meetings, seminars, training courses, symposiums, workshops and similar activities organized by the Office and other related organizations, to which the Convention shall be applicable. All participants and persons performing functions in connection with the meetings, seminars, training courses, symposiums, workshops and similar activities organized by the Office and other related organizations shall enjoy such privileges, immunities and facilities as are necessary for the independent exercise of their participation and functions. In particular, all participants and persons performing services in connection with the meetings, seminars, training courses, symposiums, workshops and similar activities organised by the Office and other related organizations shall be immune from legal process in respect of words spoken or written and acts done in connection with such meetings, seminars, training courses, symposiums, workshops and similar activities.