



**Agreement
for the Provision of Personnel
to Support De-mining Programmes
between
The United Nations
and the
Government of New Zealand**

WHEREAS, the United Nations Operation in Mozambique (ONUMOZ) was established pursuant to Security Council resolution 797 (1992) of 16 December 1992, in line with the General Peace Agreement for Mozambique, with the terms of reference as described in the report of the Secretary-General of 3 December 1992 (S/24892);

WHEREAS, in his report S/24892 to the Security Council on ONUMOZ, the Secretary-General indicated, *inter alia*, that "the military aspects of the United Nations Operation in Mozambique would be inescapably linked with the humanitarian effort" and that "the demining of roads and the organization of secure transport will be important in this context";

WHEREAS, the above-mentioned report of the Secretary-General has been approved by the Security Council in resolution 797 (1992);

WHEREAS the Government of New Zealand has military personnel to assist in demining activities in Mozambique in pursuance of the mandate of ONUMOZ;

WHEREAS, on 14 May 1993, the United Nations and the Government of Mozambique concluded an Agreement on the Status of ONUMOZ (the Status Agreement), which provides for the privileges, immunities, facilities or concessions granted to ONUMOZ and members thereof by the Government of Mozambique for such period until the departure of the final element of ONUMOZ from Mozambique;

WHEREAS, pursuant to operative paragraph 4 of Security Council resolution 957 of 14 November 1994, the mandate of ONUMOZ has been extended until the country's newly elected Government takes office, but no later than 15 December 1994;

WHEREAS ONUMOZ was authorized by the Security Council, in particular a limited number of civilian logisticians, mine clearance and training personnel, military specialists, staff officers and a small detachment of infantry, to complete its residual operations prior to its withdrawal on or before 31 January 1995 by its resolution 916 (1994);

WHEREAS, the Government of New Zealand (hereinafter referred to as the "Donor") has expressed its interest to continue to make available to the United Nations the services of

technical advisors and related assistance, to support the de-mining activities in Mozambique following the withdrawal of ONUMOZ;

NOW THEREFORE, the United Nations and the Donor (hereinafter referred to as the "Parties") have agreed as follows:

Article I
Purpose of the Agreement

The purpose of this Agreement is to set forth the terms and conditions under which technical advisors may be made available by the Donor to the United Nations to assist in the de-mining activities in Mozambique following the withdrawal of ONUMOZ.

Article II
Duration of the Agreement

Following the withdrawal of ONUMOZ, expected to be completed on or before 31 January 1995, this Agreement shall enter into force on the date the United Nations shall have notified the Donor that the Status Agreement has ceased to be in force, and it shall remain in force until 1 February 1996. The Parties agree that the duration of this Agreement can be extended by exchange of notes.

Article III
Obligations of the Donor

1. The Donor shall make available for the duration and purpose of this Agreement three technical advisors listed in Annex 1 hereto (hereinafter referred to as the "Team"). Any changes in Annex 1 hereto shall be in writing agreed to by the Parties.
2. The Donor shall designate a member of the Team as Team Leader and will inform the United Nations accordingly.
3. The Donor shall be responsible for the payment of all salaries and allowances to which the members of the Team are entitled.
4. The Donor shall ensure that, during the entire period of service under this Agreement, the members of the Team are participants in a national healthcare scheme, or are covered by adequate medical and life insurance, and are covered by appropriate arrangements assuring compensation in the case of illness, disability or death, with extended war-risk insurance coverage. The Donor shall be responsible for any costs related to the provision of insurance under this Article.

6. The Donor shall not be responsible for any other costs associated with the services to be provided under this Agreement.

Article IV
Obligations of the Team

The Donor agrees to the terms and obligations specified below, and shall accordingly ensure that the Team members performing services under this Agreement comply with these obligations:

- (a) The members of the Team shall function under the direct supervision of the Team Leader;
- (b) The Team Leader shall function under the general supervision of the United Nations Resident Coordinator in Mozambique;
- (c) The Team shall provide technical and management advisory services to the accelerated demining programme in Mozambique and shall supervise the operation of the Contractors responsible for the provision of management services, and management training to the accelerated demining programme. The Team shall assist the Resident Coordinator in his consultations with the Government of Mozambique with regard to the creation of an indigenous mine-clearing capacity in Mozambique;
- (d) The Team will not engage directly in any mine clearance activity;
- (e) The members of the Team shall neither seek nor accept instructions regarding the services to be provided under this Agreement from any authority external to the United Nations;
- (f) The members of the Team shall refrain from any conduct which would adversely reflect on the United Nations and shall not engage in any activity which is incompatible with the aims and objectives of the United Nations;
- (g) The members of the Team shall exercise the utmost discretion in all matters relating to their functions and shall not communicate, at any time, without the authorization of the United Nations, to the media or to any institution, person, Government or other authority external to the United Nations, any information that has not been made public, and which has become known to them by reason of their functions under this Agreement. They shall not use any such information without the authorization of the United Nations and, in any event, such information shall not be used for personal gain. These obligations do not lapse upon termination of this Agreement;

- (h) The Team Leader will submit regular progress reports to the United Nations on the activities performed by the Team;
- (i) The Team Leader will submit at the end of the assignment to the United Nations a final report on the activities performed by the Team during the entire duration of the assignment;
- (j) The members of the Team shall sign an Undertaking in accordance with Annex 2 attached to this Agreement.

Article V
Legal Status of Members of the Team

1. The members of the Team shall not be considered in any respect as being officials or staff members of the United Nations. They shall have the legal status of Experts on Mission in accordance with sections 22 and 23 of Article VI of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 (hereinafter referred to as "the General Convention", attached hereto as Annex 3).
2. The members of the Team shall be issued a certificate in accordance with Section 26 of Article VII of the General Convention.

Article VI
Obligations of the United Nations

1. The United Nations will pay from the Mozambican Trust Fund the in-country costs and the costs of transporting the Team to and from Mozambique, including the costs of medical and/or security evacuation.
2. The United Nations will use its best efforts, within the resources available, to provide the Team with local transportation for the performance of its functions during the duration of the assignment.
3. The United Nations will further use its best efforts, within the resources available, to make available to the Team specialized or support equipment required by the Team for the performance of its functions.
4. Subject to the provisions of Article III of this Agreement concerning the obligations of the Donor in respect of the Team, the United Nations shall make appropriate arrangements, including Agreement with the Host Government and/or the maintenance of necessary insurance, to cover risks of liability arising from or in connection with the activities under this Agreement, in particular third-party liability arising from the authorized use of vehicles or equipment provided to the Team by the United Nations.

Article VII
Consultation

The United Nations and the Donor shall consult with each other in respect of any matter(s) that may from time to time arise in connection with this Agreement.

Article VIII
Settlement of disputes

Any dispute, controversy or claim arising out of, or relating to, this Agreement which is not settled by negotiation or other mutually agreed mode of settlement shall be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the chairman. If within thirty days of the request for arbitration either Party has not appointed an arbitrator or if within fifteen days of the appointment of two arbitrators the third arbitrator has not been appointed, either Party may request the President of the International Court of Justice to appoint an arbitrator. The procedure of the arbitration shall be fixed by the arbitrators, and the expenses of the arbitration shall be borne by the Parties as assessed by the arbitrators. The arbitral award shall contain a statement of the reasons on which it is based and shall be accepted by the Parties as the final adjudication of the dispute.

Article IX
Amendment

This Agreement may be amended by written agreement of both Parties. Each Party shall give full consideration to any proposal for an amendment made by the other Party.

Article X
Termination

This Agreement may be terminated by either Party after giving notice in writing thirty days in advance.

IN WITNESS WHEREOF, the respective representatives of the Government of New Zealand and of the United Nations have signed this Agreement.


DONE at New York, on 12:19:58, in two originals in the English language.

For the United Nations



Peter Hansen
Under-Secretary-General
for Humanitarian Affairs

For the Government of New Zealand



Colin Keating
Ambassador Extraordinary & Plenipotentiary
Permanent Representative of New Zealand
to the United Nations

ANNEX 1

LIST OF TECHNICAL ADVISORS

Lieutenant Colonel Steven Guy Ransley

Major Nigel Orr

Warrant Officer Class Two Raymond Bruce Cannon

ANNEX 2

UNDERTAKING

1. I, the undersigned, hereby undertake to function as a member of the team of technical advisors ("the Team"), provided by the Government of New Zealand, pursuant to the Agreement for the Provision of Personnel for De-mining Activities between the United Nations (UN) and the Government of New Zealand, dated
2. I understand that, as a member of the Team, I shall not be considered in any respect as being an official or staff member of the United Nations. I further understand that, for the duration of my functions in Mozambique, I will be accorded the legal status of Expert on Mission in accordance with sections 22 and 23 of Article VI of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946.
3. I undertake to avoid any action which may adversely reflect on my status as an Expert on Mission, or on the integrity, independence and impartiality which are required by that status.
4. I further undertake as follows:
 - (a) I shall perform my functions in full compliance with the instructions issued by the UN.
 - (b) I shall not seek nor accept instructions regarding my functions as a member of the Team from any Government or from any authority external to the UN.
 - (c) I shall refrain from any conduct which would adversely reflect on the UN and shall not engage in any activity that is incompatible with the aims and objectives of the UN or the exercise of my functions.

 - (d) I shall exercise the utmost discretion in all matters relating to the activities of the Team and shall not communicate, at any time, without the authorization of the UN, to the media or to any institution, person, Government or other authority external to the UN, any information that has not been made public, and which has become known to me by reason of my functions. I shall not use any such information without the authorization of the UN and, in any event, such information shall not be used for personal gain. These obligations do not lapse upon termination of my assignment.
 - (e) I shall follow the specific regulations issued by the UN, and shall take necessary measures to prevent the occurrence of any abuse of any privileges or facilities accorded to me.

5. During the entire time of my assignment, I shall comply with all rules, regulations, instructions, procedures, orders or directives given by the UN.

6. I understand that non-compliance on my part with any of the above obligations during the performance of my functions may result in my immediate repatriation.

Name printed in block letters:

Date: _____

**CONVENTION ON THE PRIVILEGES AND IMMUNITIES
OF THE UNITED NATIONS**

*Adopted by the General Assembly of the United Nations
on 13 February 1946*

**CONVENTION SUR LES PRIVILÈGES ET IMMUNITÉS
DES NATIONS UNIES**

*Approuvée par l'Assemblée générale des Nations Unies
le 13 février 1946*

联合国特权和豁免公约

联合国大会于一九四六年二月十三日通过

**КОНВЕНЦИЯ
О ПРИВИЛЕГИЯХ И ИММУНИТЕТАХ
ОБЪЕДИНЕННЫХ НАЦИЙ**

*Принята Генеральной Ассамблеей Организации Объединенных Наций
13 февраля 1946 года*

**CONVENCIÓN SOBRE LOS PRIVILEGIOS E INMUNIDADES
DE LAS NACIONES UNIDAS**

*Aprobada por la Asamblea General de las Naciones Unidas
el 13 de febrero de 1946*



UNITED NATIONS
New York, 1974

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

Adopted by the General Assembly of the United Nations on 13 February 1946

Whereas Article 104 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes and

Whereas Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization;

Consequently the General Assembly by a Resolution adopted on the 13 February 1946, approved the following Convention and proposed it for accession by each Member of the United Nations.

Article I

JURIDICAL PERSONALITY

Section 1. The United Nations shall possess juridical personality. It shall have the capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

Article II

PROPERTY, FUNDS AND ASSETS

Section 2. The United Nations, its property and assets wherever located and by whomso-

ever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 3. The premises of the United Nations shall be inviolable. The property and assets of the United Nations, 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 4. The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Section 5. Without being restricted by financial controls, regulations or moratoria of any kind,

(a) the United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) the United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.

Section 6. In exercising its rights under section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member insofar as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

Section 7. The United Nations, its assets, income and other property shall be:

(a) exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;

(c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Section 8. While the United Nations 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, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article III

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 9. The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

Section 10. The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article IV

THE REPRESENTATIVES OF MEMBERS

Section 11. Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

(a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;

(b) inviolability for all papers and documents;

(c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations in the state they are visiting or through which they are passing in the exercise of their functions;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys, and also

(g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

Section 12. In order to secure, for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

Section 13. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in a state for the discharge of their duties shall not be considered as periods of residence.

Section 14. Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 15. The provisions of sections 11, 12 and 13 are not applicable as between a representative and the authorities of the State of which he is a national or of which he is or has been the representative.

Section 16. In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

Article V

OFFICIALS

Section 17. The Secretary-General will specify the categories of officials to which the provisions of this article and article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

Section 18. Officials of the United Nations shall:

(a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;

(c) be immune from national service obligations;

(d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;

(f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 19. In addition to the immunities and privileges specified in section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 20. Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Section 21. The United Nations shall cooperate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this article.

Article VI

EXPERTS ON MISSIONS FOR THE UNITED NATIONS

Section 22. Experts (other than officials coming within the scope of article V) performing missions for the United Nations shall

be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

(a) immunity from personal arrest or detention and from seizure of their personal baggage;

(b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;

(c) inviolability for all papers and documents;

(d) for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Section 23. Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

Article VII

UNITED NATIONS LAISSEZ-PASSER

Section 24. The United Nations may issue United Nations laissez-passers to its officials. These laissez-passers shall be recognized and accepted as valid travel documents by the authorities of Members, taking into account the provisions of section 25.

Section 25. Applications for visas (where required) from the holders of United Nations

laissez-passers, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 26. Similar facilities to those specified in section 25 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passers, have a certificate that they are travelling on the business of the United Nations.

Section 27. The Secretary-General, Assistant Secretaries-General and Directors travelling on United Nations laissez-passers on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

Section 28. The provisions of this article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

Article VIII

SETTLEMENT OF DISPUTES

Section 29. The United Nations shall make provisions for appropriate modes of settlement of:

(a) disputes arising out of contracts or other disputes of a private law character to which the United Nations is a party;

(b) disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

Section 30. All differences arising out of the interpretation or application of the present convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between the United Nations on the one hand and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court. The opinion given by the Court shall be accepted as decisive by the parties.

Final article

Section 31. This convention is submitted to every Member of the United Nations for accession.

Section 32. Accession shall be effected by deposit of an instrument with the Secretary-General of the United Nations and the Convention shall come into force as regards each Member on the date of deposit of each instrument of accession.

Section 33. The Secretary-General shall inform all Members of the United Nations of the deposit of each accession.

Section 34. It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a posi-

tion under its own law to give effect to the terms of this Convention.

Section 35. This Convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the United Nations, or until a revised general convention has been approved by the General Assembly and that Member has become a party to this revised convention.

Section 36. The Secretary-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this Convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Assembly.