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Addis Ababa, 24 March - 2 April 1980

DRAFT AGREEMENT
BETWEEN THE REGIONAL INSTITUTE FOR POPULATION STUDIES AND
THE GOVERNMENT OF THE REPUBLIC OF GHANA REGARDING THE
HEADQUARTERS OF THE INSTITUTE

THE REGIONAL INSTITUTE FOR POPULATION STUDIES AND THE GOVERNMENT OF
THE REPUBLIC OF GHANA,

CONSIDERING that it is desirable to conclude an agreement complementary
to the Constitution of the Regional Institute for Population Studies, to
regulate questions arising as a result of the establishment of the Institute
at Accra in the Republic of Ghana,

HEREBY AGREE as follows:

Title I
DEFINITIONS

Article 1

In this Agreement,

(a) "appropriate authorities" means such national, regional, municipal
or other authorities in the Republic of Ghana as may be appropriate in the
context and in accordance with the laws and customs applicable in the
Republic of Ghana;

(b) "the Institute" means the Regional Institute for Population
Studies;

(c) "the Council" means the Governing Council established under
Article IV of the Statute of the Regional Institute for Population Studies;

(d) "the Director" means the Director of the Institute or any
officer designated to act on his behalf;

(e) "the Government" means the Governing of the Republic of Ghana;

(f) "the headquarters of the Institute" means:

(i) the area with building or buildings upon it, as may be
defined in the supplementary agreements referred to in
section 3: and

(ii) any other land or building which may from time to time
be included, temporarily or permanently therein in
accordance with this Agreement or by supplementary
agreement with the Government.

(g) "the officials of the Institute" means the Director and all the members of the staff of the Institute except those who are locally recruited on hourly, or daily or monthly rates;

(h) "participating Governments" means a Government which is a party to the statute of the Regional Institute for Population Studies;

(i) "the secretariat" means the secretariat of the Institute.

Title II SEAT OF THE SECRETARIAT

Article 2

(a) The secretariat of the Institute shall be in the headquarters of the Institute and shall not be removed therefrom unless the Governing Council of the Institute should so decide. Any transfer of the secretariat temporarily to another place shall not constitute a removal of the secretariat unless there is an express decision by the Council of the Centre to that effect:

(b) Any building in or outside of Accra which may be used with the concurrence of the Government for courses, seminars or other purposes of the Institute shall be temporarily included in the headquarters of the Institute:

(c) The appropriate authorities shall take whatever action may be necessary to ensure that the Institute shall not be dispossessed of all or any part of the headquarters of the Institute without the express consent of the Council of the Institute.

Article 3

The Government grants to the Institute, and the Institute accepts from the Government, the use and occupation of headquarters of the Institute as may be defined in supplementary agreements to be concluded on behalf of the Institute and the Government.

Article 4

The Institute may establish and operate research, documentation and other technical facilities of any type. These facilities shall be subject to appropriate safeguards which, in the case of facilities which might create hazards to health or safety or interference with property, shall be agreed with the appropriate authorities of the Government.

Article 5

The facilities provided for in Article 4 may, to the extent necessary for efficient operation, be established and operated outside the headquarters of the Institute. The appropriate authorities of the Government shall, at the request of the Institute, make arrangements on such terms and in such manner as may be agreed upon by supplementary agreement for the acquisition or use of the Institute of appropriate premises for such purposes and for the inclusion of such premises in the headquarters of the Institute.

Title III
CONTROL AND PROTECTION OF THE HEADQUARTERS

Article 6

The headquarters of the Institute shall be inviolable and shall be under the control and authority of the Institute as provided in this Agreement.

Article 7

(a) Officers or officials of Government, whether administrative, judicial, military or police, shall not enter the headquarters of the Institute to perform any official duties except with the consent of and under conditions agreed by the Director:

(b) Without prejudice to the provisions of the Statutes of the Regional Institute for Population Studies or of this Agreement, the Institute shall prevent the headquarters of the Institute from becoming a refuge for persons who are avoiding arrest under any law of the Republic of Ghana or who are required by the Government for extradition to another country or who are endeavouring to avoid service of legal process.

Article 8

(a) The appropriate authorities of the Government shall exercise due diligence to ensure that the tranquility of the headquarters of the Institute is not disturbed by the unauthorized entry of groups of persons from outside or by disturbance in its immediate vicinity, and shall cause to be provided on the boundaries of the headquarters of the Institute such police protection as is required for these purposes;

(b) If so requested by the Director, the appropriate authorities of the Government shall provide a sufficient number of police for the preservation of law and order in the headquarters of the Institute, and for the removal therefrom of persons as requested under the authority of the Director.

Title IV
STATUS OF THE INSTITUTE

Article 9

(a) The Institute shall have in the Republic of Ghana, the capacity to contract, to acquire and dispose of immovable or movable property and to sue and to be sued;

(b) The Institute, its property and assets, shall enjoy immunity from every form of legal process, except in so far 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;

(c) The property and assets of the Institute wherever located shall be immune from search, requisition, confiscation, expropriation and other form of interference, whether by executive, administrative, judicial or legislative action;

(d) The archives of the Institute, and in general all documents belonging to it or held by it, wherever located, shall be inviolable;

(e) The Institute, its assets, income and other property shall be

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

(ii) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Institute for its official use: it is understood, however, that articles imported under such exemption will not be sold in the Republic of Ghana except under conditions agreed with the Government.

(f) The Institute shall be exempt from any obligation relating to the collection, withholding or payment of any tax or duty due from those in its employment to the Government.

Title V
COMMUNICATIONS

Article 10

The Institute shall enjoy for its official communications treatment not less favourable than that accorded by the Government to another government or to any other intergovernmental organization, including foreign diplomatic missions in the Republic of Ghana.

Article 11

(a) No censorship shall be applied to the official correspondence or other communications of the Institute. Such immunity shall extend without limitation by reason of this enumeration, to publications, documents, maps, still and moving pictures, films, sound recordings and other scientific recordings for the work of the Institute;

(b) The Institute shall have the right to use codes and to dispatch and receive official correspondence and, without limitation by reason of this enumeration, publications, documents, maps, still and moving pictures, sound recordings and other scientific recordings either by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags;

(c) Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the Government and the Institute.

Title VI
ACCESS AND RESIDENCE

Article 12

(a) The competent authorities of the Government shall grant to the following persons the rights of entry into, sojourn in, transit through and exit from the territory of the Republic of Ghana when such entry, sojourn, transit or exit is necessary for the proper performance of their functions:

- (i) members of the Governing Council and the Advisory Board on studies and research of the Institute and their spouses;
- (ii) officials of the Institute and their families;
- (iii) persons other than officials of the Institute performing missions for the Institute and their spouses;
- (iv) other persons invited to the headquarters of the Institute on official business: the Director shall communicate the names of such persons to the Government;
- (v) participants in seminars and other meetings organized by the Institute and
- (vi) trainees who are not nationals of the Republic of Ghana.

They shall be granted facilities for speedy travel; visas where required shall be granted promptly and free of charge.

(b) This Article shall not apply to general interruption of transport and shall not impair the effectiveness of general applicable law and regulations as to the operation of means of transport.

(c) This Article shall not imply exemption from the obligation to produce reasonable evidence to establish that persons claiming the right granted under this Article are included in the categories specified in paragraph (a) of this Article or from the reasonable application of quarantine and health regulations.

Title VII
MEMBERS OF THE GOVERNING COUNCIL AND ADVISORY BOARD
ON STUDIES AND RESEARCH

Article 13

Those members of the Council and Advisory Board on Studies and Research of the Institute who are representatives of the respective participating Governments of the Institute shall be entitled in the territory of the Republic of Ghana whilst exercising their functions and during their journey to and from the headquarters of the Institute to the same privileges and immunities, mutatis mutandis, as are provided for by Article IV of the Convention of the Privileges and Immunities of the United Nations.

Title VIII
OFFICIALS OF THE INSTITUTE

Article 14

Officials of the Institute who shall have been designated by the Director of the Institute for this purpose shall enjoy in the territory of the Republic of Ghana the following privileges and immunities:

(a) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity, such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the Institute;

(b) Immunity from personal arrest or detention.

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(a) No censorship shall be applied to the official correspondence or other communications of the Institute. Such immunity shall extend without limitation by reason of this enumeration, to publications, documents, maps, still and moving pictures, films, sound recordings and other scientific recordings for the work of the Institute;

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(b) Immunity from personal arrest or detention.

- (c) Immunity from seizure of their personal and official baggage;
- (d) Exemption of officials of the Institute from taxation on the salaries and emoluments paid to them by the Institute;
- (e) Immunity from national service obligations;
- (f) Immunity, together with members of their families from immigration restrictions and alien registration;
- (g) The same privileges in respect of foreign exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government;
- (h) The same repatriation facilities in time of international crises, together with members of their families as diplomatic envoys;
- (i) Exemption for officials, other than Ghanaian nationals and permanent foreign residents of the Republic of Ghana, from any form of direct taxation on other income derived from sources outside the Republic of Ghana and the freedom to maintain within the Republic of Ghana or elsewhere foreign securities, and other movable and immovable property, and whilst employed by the Institute in the Republic of Ghana and at the time of termination of such employment, the right to take out of the Republic of Ghana funds in convertible currencies without any restrictions or limitations, provided that the said officials can show good causes for their lawful possession of such funds; and
- (j) The right to import, free of duty and other levies, prohibitions and restrictions on imports, their furniture and effects within six months after taking up their post in the Republic of Ghana; the same regulations shall apply for officials other than Ghanaian in the case of the import, transfer and replacement of automobiles, as are in force for the resident members of diplomatic mission of comparable rank.

The list of officials enjoying privileges and immunities contained in this Article shall be communicated by the Institute to the Government and shall be kept up to date.

Article 15

Officials of the United Nations or specialized agencies of the United Nations performing functions in connexion with the Institute shall enjoy the privileges and immunities provided for under the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies, respectively.

Article 16

All officials of the Institute shall be provided with a special identity card certifying that they are officials of the Institute enjoying the privileges and immunities specified in this Agreement.

Article 17

The privileges and immunities accorded under Article 14 are granted in the interest of the Institute and not for the personal benefit of the individuals themselves. The Director shall have the right and duty to waive the immunity of any official of the Institute who is not an official of the United Nations or of a specialized agency in cases where such immunity would impede the course of justice and can be waived without prejudice to the interests of the Institute.

Article 18

The Institute shall co-operate at all times with the appropriate authorities of the Government to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the privileges and immunities and facilities mentioned in this Title.

Title IX
PUBLIC SERVICES AND ACCOMMODATION

Article 19

(a) The appropriate authorities of the Government shall exercise to the extent requested by the Director the powers which they possess with respect to the supply of public services to ensure that the headquarters of the Institute shall be supplied on equitable terms with the necessary public services including electricity, water, gas, post, telephone, telegraph, transport, drainage, collection of refuse, fire protection, etc. In the event of any interruption or threatened interruption of such services, the appropriate authorities of the Government will consider the needs of the Institute as being of equal importance with the similar needs of essential agencies of the Government, and will take steps accordingly to ensure that the work of the Institute is not prejudiced;

(b) The Government shall assist in providing suitable housing accommodation at reasonable rent to the international staff of the Institute.

Title X
ASSISTANCE BY THE GOVERNMENT

Article 20

The Government shall arrange for its institutions of Technology, Universities and other appropriate Institutions to extend their full co-operation to the Institute, including the organization of training, seminars and similar activities.

Title XI
INTERPRETATION AND APPLICATION

Article 21

The provisions of the Statutes of the Regional Institute for Population Studies and of this Agreement shall, where they relate to the same subject matter, be treated wherever possible as complementary, so that the provisions of both shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this Agreement shall prevail.

Article 22

The Government and the Institute may enter into such supplementary agreements as may be necessary to fulfill the purposes of this Agreement. Wherever this Agreement imposes obligations on the appropriate authorities of the Government the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.

Article 23

This Agreement shall be interpreted in the light of its primary purpose of enabling the Institute fully and efficiently to discharge its responsibilities and fulfill its objectives.

Title XII
AMENDMENTS

Article 24

This Agreement may be modified by agreement between the Government and the Institute, and each shall give full and sympathetic consideration to any request for such modifications.

Title XIII
SETTLEMENT OF DISPUTES

Article 25

Any dispute between the Institute and Government concerning the interpretation or application of this Agreement or of any supplementary agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to an Arbitral Tribunal of three members, one to be named by the Chairman of the Council of the Institute, one to be named by the Government, and the third to be chosen by the two, or if they should fail to agree upon a third, then by the Administrative Secretary-General of the Organization of African Unity.

Title XIV
FINAL PROVISIONS

Article 26

This Agreement and any supplementary agreement entered into between the Government and the Institute within the scope of its terms of reference shall cease to be in force two years after either the Government or the Institute shall have given notice in writing to the other of its decision to terminate the Agreement, except as regards those provisions which may apply to normal cessation of the activities of the Institute in the Republic of Ghana and the disposal of its property.

Article 27

This Agreement shall come into force upon the Government notifying the Institute that it has been approved in accordance with the Constitution of the Republic of Ghana.

IN WITNESS WHEREOF the Executive Secretary of the United Nations Economic Commission for Africa acting on behalf of the United Nations and
on behalf of the Government of the
Republic of Ghana have signed the present Agreement.

DONE in the English language.

Adebayo Adedeji
Executive Secretary of
the United Nations
Economic Commission for Africa