AGREEMENT BETWEEN THE
UNITED NATIONS
AND
THE GOVERNMENT OF DENMARK
RELATING TO THE HEADQUARTERS AND OTHER OFFICES IN COPENHAGEN
OF THE
UNITED NATIONS OFFICE FOR PROJECT SERVICES

The United Nations, represented by the United Nations Office for Project Services, (hereinafter referred to as “UNOPS”) and the Government of Denmark, represented by the Ministry for Foreign Affairs, (hereinafter referred to as "the Government"),

CONSIDERING that the UNOPS was established as a separate and identifiable entity by General Assembly decision 48/501 of 19 September 1994;

CONSIDERING that, further to the offer by the Government to host UNOPS’ Division for Procurement Projects, the United Nations and the Government concluded an Interim Agreement regarding the legal status of the UNOPS in Copenhagen, in the form of an exchange of letters dated 20 May 1997;

CONSIDERING that measures proposed by UNOPS 2005 action plan (DP/2005/39) and recognized in decision 2005/36 of the Executive Board of the United Nations Development Programme and the United Nations Population Fund (hereinafter referred to as “the Executive Board”) included the relocation of UNOPS Headquarters functions from New York;

CONSIDERING that, by its decision 2006/6 of 27 January 2006, the Executive Board took note of the progress report of UNOPS Executive Director, a.i. (DP/2006/11) which stated that UNOPS would relocate its current headquarters functions and Europe-based operations to Denmark (Copenhagen) in the first half of 2006, further to the generous offer (reference number 119.D.16) dated 2 December 2005 made by the Government of Denmark to provide expanded facilities in Copenhagen for its Headquarters, service centre and operations (attached hereto as Annex I) as clarified by, but not limited to, a communication dated December 16, 2005 from the First Secretary, Permanent Mission of Denmark to the United Nations (attached hereto as Annex II). Such expanded facilities include, but are not limited to, rent free premises on an indefinite basis to house UNOPS’ personnel as may be increased or decreased from time to time;
CONSIDERING that UNOPS 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 of the United Nations on 13 February 1946, to which Denmark acceded on 10 June 1948, without reservation;

CONSIDERING that it is desirable to conclude an Agreement, complementary to the Convention on the Privileges and Immunities of the United Nations, to regulate questions not envisaged in that Convention arising as a result of the relocation of the Headquarters of UNOPS in Denmark;

Have agreed as follows:

Article I
Definitions

In the present Agreement,

(a) "Archives" means all records, correspondence, documents, publications, manuscripts, photographs, films, recordings, computer data files and software belonging or held by UNOPS, wherever located;

(b) "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;

(c) "Country" means Denmark;

(d) "Executive Director" means the Executive Director of UNOPS or his / her authorized representative;

(e) "experts on missions" means individuals, other than officials of UNOPS, performing missions on behalf of UNOPS within the scope of Articles VI and VII of the Convention;

(f) "Headquarters" means all the UNOPS offices and premises, installations and facilities made available to or occupied, maintained or used by the UNOPS in Copenhagen and any sub-offices which may be established in Denmark, with the written consent of the Government;
(g) "Officials of UNOPS" means the Executive Director and all UNOPS personnel, irrespective of nationality, with the exception of persons who are recruited in Denmark and assigned to hourly rates;

(h) "the appropriate Danish Authorities" means national, departmental, local and other competent authorities under the laws and regulations of Denmark;

(i) "the Government" means the Government of Denmark;

(j) "UNOPS" means the United Nations Office for Project Services.

ARTICLE II
Juridical personality and capacity

The United Nations, acting through UNOPS, shall have the capacity:

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

ARTICLE III
Purpose

The purpose of this Agreement is to regulate the status of UNOPS Headquarters and its personnel, and to ensure the availability of the necessary privileges and immunities, facilities and courtesies to enable UNOPS to perform fully and effectively its functions, including its scheduled programmes of work and any related activities.

ARTICLE IV
Mandate, general objectives and standards of operation of UNOPS

UNOPS mandate is as set out in United Nations General Assembly decision 48/501 of 19 September 1994 and successive decisions of the Executive Board.
ARTICLE V
Status of the Headquarters

1. UNOPS, its property, funds and assets wherever located and by whomsoever held, shall be immune from every form of legal process, except insofar as in any particular case where the Secretary-General of the United Nations has expressly waived its immunity. It is understood, however, that no waiver of immunity shall extend to any measure of execution.

2. The premises of UNOPS shall be inviolable. The property, funds and assets of UNOPS, 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.

3. The archives of UNOPS, and in general all documents belonging to or held by it, shall be inviolable.

4. The appropriate Danish Authorities shall not enter the Headquarters premises to perform any official duties, except with the express consent of the Executive Director and under conditions agreed to by him or her.

5. UNOPS shall have the power to make regulations, operative within the Headquarters, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No law of Denmark which is inconsistent with a regulation of UNOPS authorized by this paragraph shall, to the extent of such inconsistency, be enforceable within the Headquarters. Any dispute between UNOPS and the Government as to whether a regulation of UNOPS is authorized by this paragraph or as to whether a law of Denmark is inconsistent with any regulation of UNOPS authorized by this paragraph, shall promptly be settled by the procedure set out in Article XXVI. The regulations set out in this Article shall not prevent the reasonable application of protective measures to be taken by the competent Danish authorities in case of an emergency such as a fire.

6. Juridical actions, including service of legal process and the seizure of private property, shall not take place within the Headquarters, except with the consent of, and under conditions approved by the Executive Director.

7. Without prejudice to the provisions of the Convention or this Agreement, UNOPS shall prevent the Headquarters from being used as a refuge by persons who are avoiding arrest under any law of Denmark, who are required by the Government for extradition to another country, or who are endeavoring to avoid service of legal process.
8. The appropriate Danish authorities shall make every possible effort to secure upon the request of the Executive Director the public services needed by UNOPS, including, without limitation by reason of this enumeration, postal, telephone, and telegraph services and power, water and fire protection services. Such public services shall be supplied on equitable terms.

9. In case of any interruption or threatened interruption of the aforesaid services, the appropriate Danish authorities shall consider the needs of the Headquarters as being of equal importance with those of essential agencies of the Government, and shall take steps accordingly to ensure that the work of UNOPS is not prejudiced.

10. Any location in or outside Copenhagen which may be used temporarily for meetings by UNOPS or the United Nations shall be deemed, with the written concurrence of the Government, to be included in the Headquarters district for the duration of such meetings.

11. Except as otherwise provided in this Agreement or the Convention, the laws of Denmark shall apply within the headquarters.

ARTICLE VI
Entry into, exit from, movement and sojourn in the host country

1. All persons referred to in this Agreement and persons invited on official business by the Executive Director shall have the right of unimpeded entry into, exit from, free movement and sojourn within the host country. They shall be granted facilities for speedy travel. Visas, entry permits or licenses, where required, shall be granted free of charge and as promptly as possible. The same facilities shall be extended to UNOPS candidates, if such is requested by the Executive Director. No activity performed by persons referred to above in their official capacity with respect to UNOPS shall constitute a reason for preventing their entry into or departure from the territory of the host country or for requiring them to leave such territory.

2. The Government undertakes, for this purpose, to allow the entry into and residence in Denmark of the persons listed in Articles X to XII below during their assignment or during the performance of their duties for UNOPS, without charging visa fees and without delay as well as exemption from any requirements of exit visa formalities upon departure from Denmark of:
(a) Representatives of States, representatives of United Nations organs, specialized or related agencies, and observers from intergovernmental, non-governmental and other organizations invited to participate in conferences or meetings convened in Denmark by the United Nations including alternate representatives or observers, advisers, experts and assistants, as well as their spouses and dependent members of their families;

(b) Officials of UNOPS, experts on missions, as well as their spouses and dependent members of their families;

(c) Officials of the United Nations or any of its specialized or related agencies who are assigned to work for UNOPS and those who have official duties with UNOPS, as well as their spouses and dependent members of their families;

(d) All persons invited to the Headquarters on official business.

3. Without prejudice to the privileges, immunities, facilities and courtesies which they may enjoy, persons referred to in paragraph 2 above may not be forced by Danish authorities to leave Danish territory unless they abuse their recognized residence privileges, and subject to the provisions mentioned hereunder:

(a) No action to force the persons referred to in paragraph 2 above to leave the Danish territory may be taken except with the prior approval of the Ministry of Foreign Affairs. Such approval shall be given only after consultation with the Secretary-General of the United Nations;

(b) Persons enjoying diplomatic privileges and immunities under this Agreement may not be requested to leave the Danish territory except in accordance with the practices and procedures applicable to diplomats accredited to the Government;

(c) It is understood that persons referred to in paragraph 2 above shall not be exempt from application of quarantine or other health regulations.
ARTICLE VII

Communications facilities

1. For all official postal, telephone, telegraph, telephoto and electronic communications, the Government shall accord to UNOPS a treatment equivalent to that accorded to any diplomatic missions, or to other intergovernmental organizations in matters of establishment and operation, priorities, tariffs and charges on mail, cables, telegrams, telephotos, telephone calls and other communications, as well as such rates for news reported to the press and radio as may be accorded.

2. The Government shall secure the inviolability of the official correspondence of UNOPS and shall not apply any censorship to such correspondence. Such inviolability shall extend, without limitation by reason of this enumeration to publications, still and moving pictures, films and sound recording dispatched to or by UNOPS, as well as to any electronic data communications and other forms of communications as may be agreed between UNOPS and the Government.

3. UNOPS shall have the right to use codes and to dispatch and receive its correspondence and other materials by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

4. (a) UNOPS is authorized to establish and operate at the Headquarters facilities for electronic, high frequency radio and satellite communications including point to point dedicated telecommunications circuits as and when needed for the purpose of communications with other United Nations or UNOPS offices all over the world;

(b) With the agreement of the Government as may be included in a supplementary Agreement between the United Nations and the Government, UNOPS may also establish and operate at the Headquarters:

(i) Its own short-wave sending and receiving radio broadcasting facilities (including emergency link equipment) which may be used on the same frequencies (within the tolerances prescribed for the broadcasting service by applicable Danish regulations) radiograph, radiotelephone and similar services;

(ii) Such other radio facilities as may be specified by supplementary agreement;
(c) UNOPS shall make arrangements for the operation of the services referred to in this Article with the International Telecommunication Union, the appropriate agencies of the Government and the appropriate agencies of other affected Governments with regard to all frequencies and similar matters;

(d) The facilities provided for in this Article may, to the extent necessary for efficient operation, be established and operated outside the Headquarters with the consent of the Government.

ARTICLE VIII
Funds, assets and other property

Without being restricted by financial controls, regulations or moratoria of any kind, UNOPS shall be free to:

(a) hold and use funds, gold or negotiable instruments of any kind and maintain and operate accounts in any currency and convert any currency held by it into any other currency;

(b) transfer its funds, gold or currency from one country to another or within Denmark to other organizations or agencies of the United Nations system;

(c) enjoy the most favorable, legally available rate of exchange for its financial transactions.

ARTICLE IX
Exemption from taxation

1. UNOPS, its assets, income and other property shall be exempt from all direct and indirect taxes, including, but not limited to, income tax, value added tax, capital tax, corporate tax, trade tax, motor vehicle tax, property tax, fees, tolls, excise duty, conveyance duty or any other duties, levied by national, regional or local authorities or otherwise. It is understood, however, that UNOPS shall not claim exemption from taxes and duties which are, in fact, no more than charges for public utility services provided at a fixed rate according to the amount of services rendered and which can be specifically identified, described and itemized.
2. UNOPS, its funds, assets and other property shall be exempt from all
custom duties in respect of articles imported or exported by UNOPS for its official
use, including motor vehicles. It is understood, however, that articles imported or
purchased under such an exemption shall not be sold or otherwise disposed of in
Denmark except under conditions agreed upon with the Government. UNOPS
shall also be exempt from all customs duties, prohibitions and restrictions on
imports and exports in respect of its publications, audio-visual materials, etc.

ARTICLE X
Representatives of States

1. The representatives of States shall, together with members of their families
forming part of their household and who do not have Danish nationality or
permanent residence status in the host country, enjoy the privileges and
immunities, exemptions and facilities accorded to diplomatic agents, in accordance
with international law and in particular under the Convention and the 1961
Vienna Convention on Diplomatic Relations.

2. The representatives of States who are not resident in Denmark shall, in the
discharge of their duties and while exercising their functions, enjoy privileges and
immunities as described in Article IV of the Convention.

3. The Ministry of Foreign Affairs shall include the names of the individuals
referred to in paragraph 1 above on the Diplomatic List.

ARTICLE XI
Officials of UNOPS

1. Officials of UNOPS shall enjoy the following privileges and immunities:

(a) Immunity from legal process in respect of words spoken and written and all
acts performed by them in their official capacity. Such immunity shall
continue to be accorded after termination of employment with UNOPS;

(b) Immunity from inspection or seizure of official baggage;

(c) Exemption from taxation on the salaries and emoluments paid to them by
UNOPS, including accrued interest rates on UN pension schemes;

(d) Exemption from military and national service obligations;
(e) Exemption for themselves and for their spouses and dependent members of the families, from immigration restrictions on alien registration procedures;

(f) In regard to foreign exchange, including holding accounts in foreign currencies, enjoyment of the same facilities as are accorded to members of comparable rank of diplomatic missions accredited to the Government;

(g) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their household as are accorded in time of international crises to members, having comparable rank, of the staffs of heads of diplomatic missions accredited to Denmark;

(h) If they have been previously residing outside Denmark, the right to import their furniture, personal effects and all household appliances, including one automobile, intended for personal use free of duty. The privilege shall be valid for a period of one year from the date of first taking up their post in Denmark.

(i) For officials who are not locally recruited staff, the right to import free of customs and excise duties, limited quantities of certain articles for personal consumption (food products, beverages, etc.);

(j) For officials who are not locally recruited staff, the right, once every three years, to import one automobile and one motorcycle free of customs and excise duties, including value added taxes, it being understood that permission to sell or dispose of the automobile or motorcycle in the open market will normally be granted two years after the importation of the automobile or motorcycle only. It is further understood that customs and excise duties will become payable in the event of the sale or disposal of such automobile or motorcycle within three years after its importation to a person not entitled to this exemption.

2. Officials of UNOPS having the professional grade of P.5 or above and such additional categories of officials as may be designated, in agreement between the United Nations and the Government, on the ground of the responsibilities of their positions in the UNOPS, Denmark, shall be accorded the same privileges and immunities, exemptions and facilities as the Government accords to members of diplomatic missions accredited in Denmark, having comparable rank.
3. In addition to the privileges and immunities specified above, the Executive Director shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities normally accorded to Heads of diplomatic missions.

4. The Ministry of Foreign Affairs shall include the names of the individuals referred to in paragraphs 2 and 3 above on the Diplomatic List.

ARTICLE XII
Experts on missions for UNOPS

Experts on missions for UNOPS, other than the Officials referred to in Article XI above, performing missions authorized by, serving on boards, committees or other organs of, or consulting at its request in any way with UNOPS shall enjoy, within and with respect to Denmark, the following privileges and immunities:

(a) Immunity in respect of themselves, their spouses and their dependent children from personal arrest or detention and from seizure of their personal and official baggage;

(b) Immunity from legal process of any kind with respect to words spoken or written, and all acts done by them, in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned may no longer be employed on missions for, serving on committees of, or acting as consultants for UNOPS, or may no longer be present at the Headquarters attending meetings convened by UNOPS;

(c) Inviolability of all papers, documents and other official material;

(d) The right, for the purpose of all communications with UNOPS, to use codes and to dispatch or receive papers, correspondence or other official material by courier or in sealed bags;

(e) Exemption with respect to themselves and their spouses from immigration restrictions, alien registration and national service obligations;

(f) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members having comparable rank, of the staff of heads of diplomatic missions accredited to Denmark;
(g) The same privileges with respect to currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;

(h) The same immunities and facilities with respect to their personal and official baggage as the Government accords to members, having comparable rank of the staff of heads of diplomatic missions accredited to Denmark.

ARTICLE XIII

Personnel recruited locally and assigned to hourly rates

Personnel recruited in Denmark and assigned to hourly rates shall be accorded immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue to be accorded after termination of employment with UNOPS. The terms and conditions of their employment shall be in accordance with the relevant United Nations resolutions, decisions, regulations, rules and policies.

ARTICLE XIV

Access to the labour market for family members and issuance of visas and residence permits to household employees

1. Spouses of all persons employed by UNOPS and their children forming part of their household who are under 21 years of age or economically dependent, shall not require a work permit.

2. The Government undertakes to issue visas and residence permits, where required, to household employees of persons employed by UNOPS as speedily as possible; household employees serving in the private households of persons employed by UNOPS are exempt from requirements of a work permit.

3. It is understood that denial of the above referenced permits must not relate to nationality, gender, religion, professional or political affiliation.

ARTICLE XV

Notification

UNOPS shall notify the Government of the names and categories of Officials of UNOPS, experts on missions, and personnel locally recruited and assigned to hourly rates, and of any change in their status.
ARTICLE XVI
Identification cards

1. At the request of the Executive Director, the Government shall issue to the personnel of UNOPS referred to in Articles X to XIII above appropriate identity documents comparable to those issued to staff of other diplomatic missions.

2. Members of the staff of UNOPS shall show, but not surrender, their identity documents to any authorized Government official upon request.

3. Upon the termination of the functions of a member of the staff of UNOPS or upon his/her transfer, UNOPS shall ensure that his identity documents are promptly returned to the Government.

ARTICLE XVII
Co-operation with the appropriate Danish authorities

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the host country. They also have a duty not to interfere in the internal affairs of the host country.

2. UNOPS shall co-operate at all times with the appropriate authorities to facilitate the proper administration of justice, secure the observance of police regulations and avoid the occurrence of any abuse in connection with the privileges, immunities, facilities and courtesies accorded under this Agreement.

3. If the Government considers that there has been an abuse of the privileges or immunities conferred by this Agreement, consultations will be held between the competent authorities and the Executive Director to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the Government and to the United Nations, either Party may submit the question as to whether such an abuse has occurred for resolution in accordance with the provisions on settlement of disputes under Article XXIV.
ARTICLE XVIII
Waiver of immunity

The privileges and immunities accorded under the present Agreement are granted in the interests of the United Nations, and not for the personal benefit of the persons concerned. The Secretary-General of the United Nations has the right and the duty to waive the immunity of any individual referred to in Articles X to XIII in any case where, in his opinion, such immunity impedes the course of justice and can be waived without prejudice to the interests of the United Nations.

ARTICLE XIX
Laissez-passer

1. The Government shall recognize and accept the United Nations laissez-passer issued to Officials of UNOPS as a valid travel document equivalent to a passport.

2. In accordance with the provisions of section 26 of the Convention, the Government shall recognize and accept the United Nations certificate issued to experts on missions for UNOPS and other persons traveling on the business of UNOPS.

3. The Government further agrees to issue any required visas on such certificates.

ARTICLE XX
Security

1. The Government shall provide to UNOPS and its personnel, throughout Denmark, such security as is required for the effective performance of its activities. To this end, the appropriate Danish Authorities shall ensure the security and protection of the Headquarters and personnel, and exercise diligence to ensure that the tranquillity of the Headquarters is not disturbed by the unauthorized entry of persons or groups of persons from outside or by disturbances in its immediate vicinity.

2. If so requested by the Executive Director, the appropriate Danish Authorities shall provide necessary assistance for the preservation of law and order in the Headquarters and for the removal therefrom of persons as requested by the Executive Director.
Article XXI
Government undertaking

The Government undertakes to respect the status of UNOPS and its personnel, and to ensure that anyone associated with UNOPS is not subjected in any way to abuses, threats, reprisals or legal prosecution by reason of their status.

ARTICLE XXII
Government contribution

In addition to the contribution set out in the Agreement relating to the occupancy and use of premises by United Nations Offices in Copenhagen, concluded between the United Nations and Denmark on 20 May 1997, which the parties hereto agree should be amended in due course, and which is superseded in accordance with Article XXV paragraph 5 hereof, and therefore amended consequentially with immediate effect on the signing of the present agreement to the extent that, in relation to UNOPS, it is inconsistent or at variance with the present agreement, the Government shall also assist UNOPS in the installation and supply of utility services, such as water, electricity, sewerage, fire protection services and other essential services, for the Headquarters, as may be requested by UNOPS.

ARTICLE XXIII
Flags, emblems and distinctive signs

The Headquarters may fly or display the United Nations flag and/or emblems on its premises, official vehicles and in any other manner agreed upon by the Parties.

ARTICLE XXIV
Settlement of disputes

1. UNOPS shall make provisions for appropriate modes of settlement of:

(a) Disputes arising out of contracts and other disputes of a private law character to which UNOPS is a Party;

(b) Disputes involving an official of UNOPS who, by reason of his or her official position, enjoys immunity, if such immunity has not been waived.
2. Any dispute between UNOPS and the Government (hereinafter referred to as “the Parties”) concerning the interpretation or application of this Agreement or of any supplementary Agreement or arrangement or any question affecting the Headquarters or the relationship between UNOPS or the United Nations and the Government or the regulations of the United Nations, which is not settled by negotiation or any other agreed mode of settlement shall be referred for final decision, at the request of either Party, to a tribunal of three arbitrators: one to be chosen by the Secretary-General of the United Nations, one to be chosen by the Minister for Foreign Affairs of Denmark, and the third, who shall be Chairperson of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third within three months following the appointment of the first two arbitrators, such third arbitrator shall be chosen by the President of the International Court of Justice at the request of the Secretary-General of the United Nations or the Government. The arbitral tribunal shall determine its own procedure. The expenses of the arbitration shall be borne by the Parties as assessed by the arbitrators. The arbitral tribunal shall reach its decision by a majority of votes. 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 XXV
Final provisions

1. The provisions of this Agreement shall be considered supplementary to the provisions of the Convention. When a provision of this Agreement and a provision of the Convention deal with the same subject, both provisions shall be considered complementary whenever possible; both of them shall be applied and neither shall restrict the force of the other.

2. Consultations with respect to amendments to this Agreement shall be entered into at the request of either Party and such amendments shall be made in writing by mutual consent.

3. This Agreement shall enter into force upon the date of the last signature and shall continue in force unless this Agreement is terminated in accordance with paragraph 4 below.

4. Except where this Agreement is applicable in connection with the orderly termination of operations of the Headquarters and disposition of UNOPS property in Denmark, this Agreement shall terminate:

(a) By written notice of either Party to the other not less than twelve months after receipt of such notice; or
(b) By decision of the Executive Board of the UNDP to relocate the Headquarters out of the territory of Denmark not less than three months after this decision;

5. This Agreement supersedes the Exchange of Letters constituting an Interim Agreement regarding the legal status of the UNOPS in Copenhagen, concluded on 20 May 1997.

6. It is understood that, should the Government enter into an agreement which accords a more favorable treatment than accorded to UNOPS in this Agreement, UNOPS shall have the right to request that similar treatment be also extended to UNOPS.

DONE in duplicate in the English language at Copenhagen on 13 December 2007.

For the United Nations,  For the Government of Denmark,

Jan Mattsson  Ole E. Moesby
Executive Director  Under-Secretary for Multilateral Affairs