

Framework Agreement
between the Portuguese Republic and the United Nations
on United Nations Meetings
held in the Portuguese Republic

WHEREAS the holding of United Nations meetings in the Portuguese Republic throughout the years has been rewarding for both the Portuguese Republic and the United Nations (hereinafter referred to collectively as the “Parties”) and continues to generate opportunities for successful exchanges;

CONSIDERING that an agreement on the relevant arrangements regarding privileges and immunities of representatives, observers and others attending and working with such meetings in the Portuguese Republic would facilitate the negotiations to take place in the context of future meetings;

RECOGNIZING that such an agreement would reflect the will of both Parties to further develop its cooperation, including concerning the holding of United Nations meetings in the Portuguese Republic;

TAKING INTO ACCOUNT that on 14 October 1998, the Portuguese Republic became a Party to the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946;

TAKING INTO ACCOUNT that on 8 November 2012, the Portuguese Republic became a Party to the Convention on the Privileges and Immunities of the Specialized Agencies, adopted by the General Assembly of the United Nations on 21 November 1947,

The Parties hereby agree as follows:

Article 1

Definitions

For the purpose of the present Agreement:

- a) “Government” means the Government of the Portuguese Republic;
- b) “Meeting” or “Meetings” means any conferences, seminars, symposia, courses, workshops and other meetings held in the Portuguese Republic under the auspices of the United Nations;
- c) “Meeting Premises” means all premises, including conference rooms for informal meetings, office space, working areas and other related facilities for each particular Meeting, as appropriate;
- d) “General Convention” means the Convention on Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946.

Article 2

Object and scope

1. This Agreement lays down the legal framework regarding privileges and immunities and other matters applicable to United Nations Meetings held in the Portuguese Republic.
2. This Agreement applies to all Meetings held in the territory of the Portuguese Republic under the auspices of the United Nations.

Article 3
Privileges and immunities

1. The General Convention shall be applicable in respect of Meetings held in the Portuguese Republic.
2. In particular:
 - a) Representatives of states shall enjoy the privileges and immunities provided under Article IV of the General Convention;
 - b) Officials of the United Nations participating in or performing functions in connection with a Meeting shall enjoy the privileges and immunities provided under Articles V and VII of the General Convention
 - c) Experts on mission for the United Nations shall be accorded the privileges and immunities under Articles VI and VII of the General Convention; and
 - d) Other participants invited to a Meeting shall, for the limited purposes of the Meeting, enjoy immunity from legal process in respect of words spoken or written and acts performed by them in connection with that Meeting.
3. The representatives of the specialized agencies of the United Nations and those of the related organizations shall, as applicable, enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Specialized Agencies, adopted by the General Assembly on 21 November 1947 or by the respective agreements regarding the privileges and immunities of the related organisations.

4. Without prejudice to the preceding paragraphs, all participants and persons performing functions in connection with a Meeting, including all personnel and all those invited to a Meeting, shall enjoy the appropriate facilities and courtesies necessary for the independent exercise of their functions, including complete freedom of speech and independence, in connection with a Meeting.

Article 4

Entry and exit

1. All participants and persons performing functions in connection with a Meeting shall have the right of unimpeded entry into and exit from the Portuguese Republic according to the procedures established by national and European Union regulations.

2. The Portuguese Republic shall make all efforts to issue visas, where required, as speedily as possible and with sufficient time in advance of the Meeting.

3. The Portuguese Republic agrees that the United Nations shall bear no costs for visas where required.

Article 5

Exemption from Import and Export Restrictions and Taxation

1. The Portuguese Republic shall allow the temporary importation, tax-free and duty-free, of all equipment, including technical equipment, and shall waive import duties and taxes on supplies necessary for a particular Meeting.
2. The Portuguese Republic shall issue without delay any necessary import and export permits for this purpose.
3. The United Nations shall be exempted from value added tax in connection with a Meeting, in accordance with the following:
 - a) The Portuguese Republic shall facilitate the recovery of VAT paid by the United Nations in connection with a Meeting;
 - b) The United Nations shall recover any value added tax paid in connection with a Meeting upon presentation of original tax invoices.

Article 6

Security

1. The Portuguese Republic shall furnish such police protection as may be required to ensure the effective functioning of a Meeting in an atmosphere of security and tranquillity, free from interference of any kind.

2. For large-scale Meetings, the United Nations may determine that it will provide security protection within the Meeting Premises, whereas security outside the Meeting Premises shall be the responsibility of the Government. The Government and the United Nations Department of Safety and Security (“UNDSS”) shall work in close cooperation through their designated senior officials for this purpose.

3. The modalities of security cooperation between the Parties in the area within the Meeting Premises and in the area outside the Meeting Premises shall be detailed in a separate ad hoc arrangement to be concluded between the Government and the relevant United Nations office, which may be supplemented by a comprehensive security plan based on the United Nations security assessment of the Meeting, including in what concerns the security equipment and personnel, as well as related expenses.

4. For meetings in which UNDSS provides security at the venue, the Meeting Premises shall be deemed to constitute premises of the United Nations within the meaning of Article II, Section 3 of the General Convention and access thereto shall be subject to the control and authority of the United Nations, without prejudice to paragraph 5 of this Article.

5. The security protection outside the Meeting Premises shall be under the supervision and control of a senior security official provided by the Government. The Government and UNDSS shall work in close cooperation through their designated senior officials for this purpose.

Article 7

Liability

1. Without prejudice to Section 29 of the General Convention, the Portuguese Republic shall be responsible for dealing with any action, claim or other demand against the United Nations or its officials arising out of:

- a) Injury to persons or damage to or loss of property in Meeting Premises that are provided by or that are under the control of the Government for the Meeting;
- b) Injury to persons or damage to or loss of property caused by or incurred in using any transport services that are provided for a Meeting by or under the control of the Government;
- c) The employment for the Meeting of personnel provided or arranged for by the Government.

2. The Government shall indemnify and hold harmless the United Nations and its officials in respect of any such action or claim, except where it is agreed by the Government and the Secretary-General of the United Nations that such actions or claims arise from gross negligence or wilful misconduct of such persons or where such actions or claims arise from acts that are not related to the performance of their official functions.

Article 8

Procurement

The Portuguese Republic will undertake the acquisition of the goods and services identified in the relevant ad hoc arrangement for a Meeting in a timely manner.

Article 9

Ad Hoc Arrangements

1. The Parties or their authorised representatives shall enter into ad hoc arrangements regarding the organizational and financial matters in relation to each Meeting, as appropriate and in accordance with this Agreement.
2. The cooperation under this Agreement shall be conducted between the Parties or their authorised representatives through the established diplomatic channels.

Article 10

Settlement of disputes

1. Any dispute concerning the interpretation or the application of this Agreement, except for a dispute subject to Article VIII, Section 30 of the General Convention or of any other applicable agreement, shall, unless the Parties otherwise agree, be resolved by negotiations or any other agreed mode of settlement.

2. Any such dispute that is not settled by negotiations or any other agreed mode of settlement shall be submitted at the request of either Party for a final decision to an arbitral tribunal, as follows:

- a) The arbitral tribunal shall be composed of three arbitrators, one of whom shall be appointed by the Secretary-General of the United Nations, one by the Portuguese Republic and the third, who shall be the Chairperson, by the other two arbitrators;
- b) If either Party does not appoint an arbitrator within three months of the other Party having notified the name of its arbitrator or if the first two arbitrators do not within three months of the appointment or nomination of the second one of them appoint a Chairperson, then such arbitrator shall be nominated by the President of the International Court of Justice at the request of either Party;
- c) Except as otherwise agreed by the Parties, the arbitral tribunal shall adopt its own rules of procedure, provide for the reimbursement of its members and the distribution of expenses between the Parties, and take all decisions by a two-thirds majority;
- d) The decisions of the arbitral tribunal on all questions of procedure and substance shall be final and, even if rendered in default of one the Parties, shall be binding on both of them.

Article 11
Entry into Force

This Agreement shall enter into force upon the receipt by the United Nations of the notification, in writing and through diplomatic channels, from the Government conveying the completion of its internal procedures necessary for its entry into force.

Article 12
Duration and Termination

1. This Agreement shall remain in force for an unlimited period of time.
2. This Agreement may be terminated by either Party by written notification to the other Party through diplomatic channels.
3. This Agreement shall terminate six months after the receipt of such notification.
4. Notwithstanding paragraphs 2 and 3 of this Article, this Agreement shall remain in force until complete fulfilment or termination of all obligations entered into by virtue of this Agreement.

Article 13
Amendments

1. This Agreement may be amended by written agreement between the Parties.
2. The amendments shall enter into force in accordance with the terms specified in Article 11 of this Agreement.

Done in New York on the 11th of May 2020 in two originals, both in the Portuguese and English languages and both being equally authentic. In case of divergence of interpretation, the English text will be used for reference purposes.

For the Portuguese Republic

For the United Nations

[Name]
[official position]

[Name]
[official position]