

UNITED NATIONS

Press Section  
Office of Public Information  
United Nations, N.Y.

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Press Release SG/1763  
IHA/93  
17 November 1971

AGREEMENT BETWEEN SECRETARY-GENERAL AND GOVERNMENT OF PAKISTAN ON CONDITIONS  
FOR DISCHARGE OF FUNCTIONS OF UNITED NATIONS RELIEF OPERATIONS IN EAST PAKISTAN

In a letter dated 20 September 1971 to the President of Pakistan, General Agha Muhammad Yahya Khan, the Secretary-General put on record his understanding of the principles upon which the United Nations East Pakistan Relief Operation (UNEPRO) is based, as follows:

"Now that the United Nations relief operation is established and functioning in East Pakistan, I should like to put on record my understanding of the principles on which this United Nations effort is based.

"As Your Excellency knows, this operation was initiated because it seemed imperative to act with speed in order to forestall by a strictly humanitarian action the possibility of famine and related disasters which might cost the lives of vast numbers of human beings in East Pakistan. This meant that the operation had to be launched solely on the basis of Your Excellency's acceptance of my offer of humanitarian assistance by and through the United Nations for the relief of the distressed people of East Pakistan, and of the assurances given by Your Excellency to my Personal Representative, Mr. Ismat Kittani, during his visit to Islamabad in June of this year. On that occasion, as Your Excellency will recall, you welcomed and gave your full support to the United Nations operation being set up in such a way as to enable me to give contributors and donors the requisite assurances that the relief provided by and through the United Nations was reaching those for whom it was destined, the people of East Pakistan.

"The United Nations effort in East Pakistan is an unusual -- even an unprecedented -- form of activity for the Organization. I initiated this operation, even without any supporting resolution from any United

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Nations organ, because I felt that my obligations under the Charter must include any humanitarian action which I could take to save the lives of large numbers of human beings. The operation is, as Your Excellency knows, entirely dependent on the response by governments and other donors to my various appeals for help and is based exclusively on voluntary contributions. I need not emphasize here that this is a purely humanitarian operation unrelated to economic assistance of a more long-term nature.

"Especially in view of the unusual nature of this operation, it is now necessary for its smooth functioning that we fill in the legal and other details which are normally required in an undertaking of this kind and which were omitted during the initial phase because of the speed with which the emergency had to be met. The arrangements outlined below are designed to put the operation on a more customary and regular basis without of course affecting any standing agreements or arrangements the various organizations or agencies engaged in the operation may have with Your Excellency's Government.

"In sending this message to Your Excellency I have in mind, first, the necessity of a good working relationship on the ground between United Nations personnel and all those with whom they will have to deal in East Pakistan. Second, I am very conscious of my obligations to those governments and agencies who have made voluntary contributions to this relief operation and their desire to be assured as to the use of the relief provided. Thirdly, I am anxious to clarify the record so as to avoid any possible misunderstandings between the Government of Pakistan and the United Nations concerning the way in which this operation is to be run."

On the basis of this letter, discussions were held at Headquarters with the Permanent Representative of Pakistan, resulting in an agreed statement of "Conditions for the effective discharge of the functions of the United Nations East Pakistan Relief Operation". The agreement was finalized by an exchange of letters between the Secretary-General and the Permanent Representative of Pakistan dated 15 and 16 November 1971. The agreed text of the "Conditions for the effective discharge of the functions of UNEPRO" is reproduced below:

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"CONDITIONS FOR THE EFFECTIVE DISCHARGE OF THE FUNCTIONS OF  
THE UNITED NATIONS EAST PAKISTAN RELIEF OPERATION (UNEPRO)"

1. A Chief of Mission shall be appointed by the Secretary-General, who shall exercise full authority, on behalf of the Secretary-General, over the conduct of UNEPRO. In selecting the Chief of Mission, the Secretary-General shall take into consideration the views of the Government of Pakistan.
2. UNEPRO shall consist of such officials as the Secretary-General may assign or appoint for the purpose of discharging the Operation's functions, namely, international officials of the United Nations, its programmes and Specialized Agencies, and officials locally recruited for the purposes of UNEPRO. Such officials, with the exception of those locally recruited and employed at hourly rates, shall be accorded the privileges and immunities specified in Article V of the Convention on the Privileges and Immunities of the United Nations and Article VI of the Convention on the Privileges and Immunities of the Specialized Agencies, to both of which instruments Pakistan is a Party. UNEPRO personnel shall respect the laws and regulations of Pakistan and shall refrain from any action incompatible with their status as officials of the United Nations or of the Specialized Agencies.
3. UNEPRO associated personnel shall consist of persons, other than those referred to in paragraph 2 above, who are not of Pakistan nationality and who are engaged in relief activities forming part of UNEPRO. UNEPRO associated personnel shall, in particular, include international members of the crews of vessels engaged in activities forming part of UNEPRO and such additional categories of personnel (other than those covered under paragraph 2 above) as may be agreed between the Government of Pakistan and the United Nations. The Secretary-General shall provide to the Government of Pakistan at its request lists of UNEPRO associated personnel, and shall from time to time inform it of any changes in those lists. The Government of Pakistan shall grant UNEPRO associated personnel immunity from legal process in respect of words spoken or written and all acts performed

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by them in the course of such activities. UNEPRO associated personnel shall respect the laws and regulations of Pakistan and shall refrain from any action incompatible with their functions.

4. UNEPRO personnel and associated personnel shall enjoy freedom of access to, and freedom of movement within East Pakistan. In particular they shall have free access to the places and facilities where relief supplies brought in by, or under the auspices of, the United Nations, are discharged, stored, transported or distributed. Such freedom of access and movement shall include the use of motor vehicles, vessels used for sea and river navigation, and equipment, required in connexion with UNEPRO activities. The freedom of access and movement envisaged in this paragraph may be subject to temporary restriction for security reasons. The Chief of Mission shall be informed when such restrictions are imposed and shall be consulted with a view to ensuring that activities forming part of UNEPRO can continue to be conducted so far as possible without interruption.

5(a). All property, equipment and forms of transport used as part of UNEPRO, as well as all relief supplies brought in by, or under the auspices of, the United Nations, shall be afforded free entry into Pakistan and expeditious handling. They shall not be diverted to any purpose incompatible with the functions of UNEPRO.

(b). The Government of Pakistan shall provide free storage facilities for relief supplies brought in by, or under the auspices of, the United Nations. Arrangements shall be made for regular on-the-spot consultations between officials of the Government of Pakistan and UNEPRO personnel and associated personnel regarding customs formalities and similar matters.

6. UNEPRO personnel and associated personnel shall enjoy an unrestricted right of communication, by radio, telephone, telegraph or other means, when performing duties forming part of UNEPRO. The United Nations may, for this purpose, establish a system of radio communication in East Pakistan connected with the UN radio network, which shall be operated in accordance with such international agreements, conventions and regulations as may be in force.

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7. The United Nations flag, markings and emblem may be used in connexion with UNEPRO as the Chief of Mission shall determine.
8. The Government of Pakistan shall take all necessary measures to ensure the security and safety of UNEPRO personnel and associated personnel, and of all premises, facilities, means of transport and equipment used in connexion with UNEPRO activities.
9. The United Nations and the Government of Pakistan shall extend to each other the fullest possible co-operation in order that activities forming part of UNEPRO may fulfil the strictly humanitarian purposes of the Operation."

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