



**HEADQUARTERS AGREEMENT BETWEEN
THE INDEPENDENT STATE OF WESTERN SAMOA AND
THE SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAMME**

THE Government of Western Samoa and the South Pacific Regional Environment Programme (hereinafter called SPREP),

HAVING regard to Article 8 of the Agreement Establishing the South Pacific Regional Environment Programme,

DESIRING to define the status, privileges and immunities in Western Samoa of SPREP and its staff and representatives of member Governments to the SPREP Meetings,

FURTHER recalling that the purpose of such privileges and immunities is not to benefit individuals but to ensure efficient performance of the functions of SPREP,

HAVE agreed as follows:

**ARTICLE 1
INTERPRETATION**

For the purpose of this Agreement:

“SPREP” means South Pacific Regional Environment Programme established by the Agreement Establishing the South Pacific Regional Environment Programme (SPREP Agreement);

“Act” means an Act of the Parliament of Western Samoa called the Diplomatic Privileges and Immunities Act 1978 as amended from time to time;

“VIENNA CONVENTION” means Vienna Convention on Diplomatic Relations 1961;

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"Representatives to the SPREP Meeting" means heads of delegations, delegates, alternates, advisers, technical experts and secretaries of delegations;

"Government" means the Government of Western Samoa.

ARTICLE 2
Capacity of SPREP

SPREP shall have the legal capacity of a body corporate, including the capacity to conclude contracts, to acquire and dispose of moveable and immovable property, to sue and, subject to Article 3, to be sued.

ARTICLE 3
Privileges and Immunities of SPREP

*2nd Schedule Part 1
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SPREP shall have the following privileges and immunities:-

- (a) Immunity from suit and legal process except:
 - i) to the extent that the Director has waived the immunity;
 - ii) in respect of a counter-claim directly connected with a suit initiated by SPREP; and
 - iii) in respect of civil action for personal injury arising from accident involving a motor vehicle owned or operated by SPREP;
- (b) the like inviolability of official premises, archives and correspondence as is accorded in respect of the official premises, archives and correspondence of a diplomatic mission in conformity with international law, provided that SPREP shall not allow its premises to serve as a refuge for any person not entitled to immunity;
- (c) immunity in relation to its property and assets, wherever located and by whomsoever held, from search, requisition, confiscation, expropriation, or any other form of interference;

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- (d) the like exemption from taxes and rates, other than taxes on the importation of goods as is accorded to the Government of a foreign State under the Vienna Convention;
- (e) exemption from taxes on the importation of goods directly imported by SPREP for its official use in Western Samoa or for exportation, or on the importation of any publication of SPREP directly imported by it, subject to compliance with such conditions as the Minister responsible for Finance may determine for the protection of the revenue;
- (f) exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by SPREP for its official use and in the case of any publications of the organisation directly imported or exported by it, subject to compliance with such conditions as the Minister responsible for Health or the Minister responsible for Agriculture may determine for the protection of the public health, the prevention of diseases in plants and animals, and otherwise in the public interest;
- (g) the right to avail itself, for tele-communications sent by it and containing only matter intended for publication by the press or for broadcasting, including communications addressed to or dispatched from places outside Western Samoa, of any reduced rates applicable for the corresponding service in the case of press communications; and
- (h) the right to freely receive, hold and invest in Western Samoa and expatriate from Western Samoa any type and amount of funds or of securities.

ARTICLE 4

Premises And Essential Services

The Government shall provide SPREP with sufficient suitable serviced land for office premises and residence for the Director and shall take all reasonable steps to provide and maintain municipal services, including electricity, water, sewerage, telephone, telefax, electronic mail, drainage, access, collection of refuse and fire protection to SPREP

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premises. Such land shall be provided by the Government to SPREP, pursuant to a lease agreement, rent free.

ARTICLE 5
Communications

1. The Government shall permit and protect free communications by any appropriate means by and to SPREP for all official purposes, and in the case of wireless transmission, shall assist in the allocation of a suitable broadcasting frequency.
2. SPREP may install or use a wireless transmitter only with the consent of the Government.

ARTICLE 6
Privileges and Immunities Of Director And Deputy Director

1. The Director of SPREP shall have the like privileges and immunities as are accorded a diplomatic agent under the Act and in conformity with international law.
2. The Deputy Director of SPREP shall have the like privileges and immunities as are accorded a diplomatic agent under the Act and in conformity with international law.
3. The members of the family of the Director forming part of his household shall have the like privileges and immunities as are accorded the members of the family of a diplomatic agent under the Act and in conformity with international law.
4. The members of the family of the Deputy Director forming part of his household shall have the like privileges and immunities as are accorded the members of the family of a diplomatic agent under the Act and in conformity with international law.



ARTICLE 7

Privileges and Immunities Of Other Staff

- (a) Officers of SPREP other than the Director and Deputy Director shall have the like privileges and immunities as are accorded to members of the administrative and technical staff of a mission under the Act and in conformity with international law.
- (b) Members of the family of an Officer of SPREP other than the Director or Deputy Director forming part of his household shall have the like privileges and immunities as are accorded to members of the family of a member of the administrative and technical staff of a mission under the Act and in conformity with international law.

ARTICLE 8

Privileges And Immunities Of Representatives To The SPREP Meeting

Representatives to the SPREP Meeting shall enjoy such privileges and immunities necessary for the fulfilment of their functions, pursuant to the Act.

ARTICLE 9

Application To Western Samoa Nationals

Notwithstanding the provisions of Articles 6, 7 and 8, Officers of SPREP or representatives to the SPREP Meeting who are nationals or permanent residents of Western Samoa shall be accorded immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of their functions.

ARTICLE 10

Conferring, Removing And Waiving Benefits

Privileges and immunities under this Agreement shall be conferred and may be waived or removed by the Government at any time and in the circumstances set out in the Act and in conformity with international law.

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ARTICLE 11
Consultation

- (1) At the request of the Government or SPREP, the Government and SPREP shall consult:
 - (a) regarding the implementation of this Agreement;
 - (b) in regard to any proposed modifications or extensions to this Agreement;
and
 - (c) in regard to any alleged abuse of the privileges and immunities provided by this Agreement.
- (2) Where the Government or SPREP, proposes a variation or modification to the Agreement, the party proposing such variation or modification shall provide to the other party 6 months written notice of such variation or modification.
- (3) Any variation or modification to the Agreement shall not take effect unless both parties are in agreement evidenced by an exchange of notes between an authorised representative of the Government and the Director of SPREP or an authorised representative of SPREP.

ARTICLE 12
Applicable Law and Dispute Settlement

The applicable laws shall be the laws of Western Samoa. All questions or differences whatsoever on the interpretation or application of this Agreement which cannot be settled by agreement shall be submitted to two arbitrators one to be appointed by Government and the other by SPREP in accordance with and subject to the provisions of an Act of Parliament of Western Samoa called the Arbitration Act 1976.

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ARTICLE 13
Transitional

Any immunities or privileges exercised by SPREP or by any of its officers entitled to such immunities or privileges, prior to the entering into force of this Agreement shall continue as if exercised under this Agreement.

ARTICLE 14
Entry Into Force

This Agreement shall enter into force upon signature by the Director of SPREP and by an authorised representative of the Government.


ARTICLE 15
Depositary

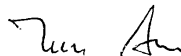
This Agreement shall be deposited with the Government of Western Samoa.

[Handwritten signatures]

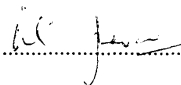
DATED at Apia this 30th day of April 1996.


SIGNED by TOFILAU ETI ALESANA
Minister of Foreign Affairs
for and on behalf of the
Government of Western Samoa
in the presence of :

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SIGNED by VILI A. FUAVAO
Director of SPREP
for and on behalf of the
South Pacific Regional Environment Programme
in the presence of :

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