

REPUBLIC OF RWANDA



MINISTRY OF FOREIGN AFFAIRS
AND COOPERATION



GREATER VIRUNGA
TRANSBOUNDARY COLLABORATION

HEADQUARTERS AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF RWANDA

AND

THE GREATER VIRUNGA TRANSBOUNDARY COLLABORATION

Kigali, December 2013

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AGREEMENT

The Government of the Republic of Rwanda and the Greater Virunga Transboundary Collaboration (GVTC);

COGNISANT of the Memorandum of understanding signed between the Office Rwandais de Tourisme et des Parcs Nationaux(ORTPN), the Uganda Wild Life Authority (UWA) and the Institut Congolais pour la Conservation de la Nature(ICCN) in 2004 and recognizing the need and importance of cooperation in conserving the ecosystem of the Central Albertine Rift;

RECALLING the Ministerial Tripartite Declaration of Goma of October 16, 2005 further calling for collaborative conservation by Uganda, Democratic Republic of Congo and Rwanda of the central Albertine Rift transfrontier Protected Area Network through joint planning and management of the area resources for long term socio-economic development;

REAFFIRMING the provisions of the Rubavu Ministerial Declaration for the Greater Virunga Transboundary Collaboration of July 15, 2008 calling for inter alia: ensuring sustainable conservation and development of the Greater Virunga Landscape and its threatened species of Flora and Fauna and further undertaking to support the institutionalization of the various organs of the Greater Virunga Transboundary Collaboration;

PURSUANT to the Minute of the Inter – Ministerial Board of the line Ministers of the three countries signed in Kigali on the 6th day of February 2009 mandating the Government of Rwanda to facilitate the registration of the Greater Virunga Transboundary Collaboration as an Inter-State Agency with legal personality,

DESIROUS to conclude an agreement to facilitate the establishment and operation of the Greater Virunga Transboundary Executive Secretariat (GV – TES) in Kigali, Rwanda;

Hereby agree as follows:

ARTICLE ONE.

DEFINITION OF TERMS

For the purpose of this agreement:

“**Government**” means the government of the Republic of Rwanda

“**Member States**” means member states of the Greater Virunga Transboundary Collaboration



“Secretariat” means the Greater Virunga Transboundary Core Secretariat or the Greater Virunga Transboundary Executive Secretariat established under this agreement

“Protected Areas Authority” refers to the state agencies designated for the purpose of managing the protected areas in the member countries

“Protected transboundary Area” refers to the area so protected under the laws of the member countries and are shared by one of any two or all the three states

“Executive Secretary” refers to the Executive Secretary of the Greater Virunga Transboundary Executive Secretariat or any other person designated as such under the Greater Virunga Transboundary Collaboration

“Minister” refers to the Minister responsible for the matters under which the Greater Virunga Collaboration directly falls

“Inter-Ministerial Board” refers to the board of Ministers responsible for the Greater Virunga Transboundary Collaboration.

“Ecosystem” means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit

“Sustainable Development” means development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

ARTICLE 2.

OBJECTIVE

The objective of this Agreement is to create a legal basis to help the Greater Virunga Trans boundary Collaboration Executive Secretariat have its Headquarters in the Republic of Rwanda, in the light of International practice relating to the rights, obligations, privileges and immunities of intergovernmental organizations.

ARTICLE 3:

LEGAL PERSONALITY

The Greater Virunga Transboundary Executive Secretariat (GVT-ES) while in Rwanda, shall be recognized as the implementing arm of the Greater Virunga Transboundary Collaboration, an Inter-State Agency with legal personality and has the capacity to contract, acquire and dispose of immovable and movable property, to institute and or defend legal proceedings in its name.

The Government of Rwanda recognizes the intergovernmental legal personality and legal capacity of the GVTC-ES within the state of Rwanda.

ARTICLE 4.

HEAD OFFICE OF THE GREATER VIRUNGA TRANSBOUNDARY COLLABORATION (GVTC).

The Head office of the Greater Virunga Transboundary Collaboration Executive Secretariat (GVTC-ES) shall be located in Kigali, Rwanda.

The GVTC-ES shall be headed by an Executive Secretary, and shall be staffed with such officials and personnel as are appointed, assigned or recruited at the discretion of the Greater Virunga Trans boundary Collaboration.

ARTICLE 5.

PREMISES OF THE SECRETARIAT

The Member Countries shall provide resources for the acquisition, running and maintenance of the offices of the Greater Virunga Transboundary Executive Secretariat. No premises will therefore be granted free of cost by the Government of Rwanda.

ARTICLE 6.

PROPERTY, FUNDS AND ASSETS

1. The Greater Virunga Transboundary Collaboration/Executive Secretariat, its property and assets in the territory of the Republic of Rwanda, shall enjoy immunity from every form of legal proceedings, except in so far as in any particular case the Greater Virunga Transboundary Collaboration has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.
2. The premises of the Greater Virunga Transboundary Executive Secretariat, its property and assets as well as its archives in the territory of the Republic of Rwanda and in general all documents belonging to it wherever located by whoever held shall be inviolable and be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.
3. Without prejudice to the terms of this Agreement, the GVT- ES shall not permit its Headquarters to become a refuge from justice for persons avoiding arrest or service of legal process or against whom an order of extradition or deportation has been issued.
4. The Greater Virunga Transboundary Collaboration/Executive Secretariat may, without being restricted by financial controls; regulations or moratoria of any kind

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hold funds or currency of any kind and operate accounts in any currency. It shall be free to transfer its funds or currency held by it into any other currency.

5. Exercising its rights under clause (4) above the Greater Virunga Transboundary Collaboration /Executive Secretariat shall pay due regard to any representations made by the Government in so far as effect can be given to such representations without detriment to the interests of the Greater Virunga Transboundary Collaboration/ Executive Secretariat.
6. The Greater Virunga Transboundary Collaboration/Executive Secretariat, its assets, income and other property whether owned or occupied shall be:
 - a. Exempt from customs duties, prohibition and restrictions on imports and exports in respect of articles imported or exported by the Greater Virunga Transboundary Collaboration/Executive Secretariat for its official use. It is understood however, that articles imported under such exemption shall not be sold in Rwanda except under conditions agreed with the government;
 - b. Exempt from customs duties and prohibitions and restrictions in imports and exports in respect of its publications.

ARTICLE 7.

PUBLIC SERVICES AND UTILITIES

The Greater Virunga Trans boundary Collaboration/Executive Secretariat shall meet the costs of the necessary public services and utilities.

ARTICLE 8.

FLAG AND EMBLEM

The Greater Virunga Transboundary Executive Secretariat shall be entitled to display its flag and emblem. The Executive Secretary while in Rwanda shall be entitled to display the Greater Virunga Transboundary Executive Secretariat flag on the vehicle used by him/her and at the Executive Secretary's official residence.

ARTICLE 9.

FACILITIES IN RESPECT OF COMMUNICATION

The Greater Virunga Transboundary Collaboration/Executive Secretariat shall enjoy in the territory of the Republic of Rwanda freedom of communication and no censorship

shall be applied to the official correspondence of the Greater Virunga Transboundary Executive Secretariat certified as such and bearing the official seal of the Greater Virunga Transboundary Collaboration/Executive Secretariat.

ARTICLE 10.

PRIVILEGES AND IMMUNITIES OF THE GREATER VIRUNGA TRANSBOUNDARY COLLABORATION/EXECUTIVE SECRETARIAT

1. Officials of the Greater Virunga Transboundary Collaboration/Executive Secretariat rather than the Rwandan nationals while in Rwanda shall:
 - a. Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
 - b. Be exempt from taxation on the salaries and emoluments paid to them by the Greater Virunga Transboundary Collaboration/Executive Secretariat on the same condition as are enjoyed by the officials of the regional or international organizations;
 - c. Be immune from national service obligations;
 - d. Be immune, together with their spouses and their children who are under 18 years of age from immigration restriction;
 - e. Be accorded the same privileges in respect of exchange facilities as accorded to officials of comparable rank in regional or international organizations;
 - f. Be given, together with their spouses and their children who are under 18 years of age, the same repatriation facilities in time of international crisis as officials of comparable rank of regional or international organization;
 - g. Not be subjected to any import or export restrictions with regard to goods imported or exported for official use. However personal effects shall be imported free of duty at the time of first taking up their post in the country for a period not exceeding one year.
2. The Executive Secretary while in Rwanda shall hold the rank and status of the head of a regional or international organization. In addition to the privileges and immunities specified in paragraphs 1(a) to (g) of this article, he/she shall be accorded in respect of himself, his spouse and minor children, such other privileges and immunities as are accorded to heads of regional or international organizations accredited to Rwanda.

3. Officials who are nationals of, or permanent residents in Rwanda, and are locally recruited, shall not be accorded the privileges and immunities specified in paragraphs (a) to (g) of clause 1 of this article while on Rwandan territory.
4. The Executive Secretary shall communicate the names of the (GVT-ES) officials included in the aforesaid categories to the Government in accordance with the staff regulations of the Greater Virunga Transboundary Collaboration/Executive Secretariat.

ARTICLE 11.

PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES OF MEMBER STATES

1. Representatives from member states, experts or consultants of the Greater Virunga Transboundary Collaboration/Executive Secretariat, during their stay in Rwanda for the purpose of attending sessions, other meetings and consultations of the Greater Virunga Transboundary Collaboration/Executive Secretariat, enjoy the following:
 - a. Immunity from personal arrest or detention and from seizure of their personal baggage and immunity from legal process in respect of words spoken or written and all acts done by them in their official capacity;
 - b. Inviolability of all papers and documents;
 - c. The right to receive papers or correspondences in sealed covers;
 - d. Exemption in respect of themselves and their spouses from immigration restrictions, alien registrations or national service obligation.
 - e. The same immunities and privileges in respect of their personal baggage as are accorded to participants of any other regional or international organization;
 - f. Such other privileges and immunities and facilities not inconsistent with the foregoing as the officials of any other regional or international organization enjoy, except that they shall have no right to claim exemptions from customs duties on goods imported or from excise duties or sales taxes. Provided always that the immunities specified in the foregoing clauses can be waived in any individual case in regard to member, expert or consultant by the government of the respective Greater Virunga Transboundary Collaboration /Executive Secretariat.
2. The competent authorities in the government shall take all necessary measures to facilitate their entry into and sojourn in the territory of the Republic of Rwanda

and shall place no impediment in the way of departure from the host country of the persons referred to in paragraph 1 of this article.

3. Visas, which may be required by persons referred to in paragraph 1 of this article, shall be arranged and be granted as promptly as possible.
4. It is understood that persons referred to in paragraph 1 of this article shall not be exempt from the application of the internationally accepted rules governing quarantine and public health.

ARTICLE 12.

WAIVER OF PRIVILEGES AND IMMUNITIES

1. The Executive Secretary shall have the right and duty to waive the immunity of any official member of the Greater Virunga Transboundary Collaboration/Executive Secretariat in any case where, in his/her opinion, the immunity would impede the course of justice and can be waived without prejudice to the interest of the Greater Virunga Transboundary Collaboration/Executive Secretariat.
2. The Greater Virunga Transboundary Collaboration/Executive Secretariat may decide to waive its immunity explicitly from jurisdiction in any case where the immunity would impede the course of justice and can be waived without prejudice to the purpose for which the immunity is accorded.
3. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

ARTICLE 13

COOPERATION BETWEEN THE GVTC-ES AND THE GOVERNMENT TO FACILITATE THE ADMINISTRATION OF JUSTICE

1. The Greater Virunga Transboundary Collaboration/Executive Secretariat shall cooperate at all times with the appropriate authorities of the government to facilitate the proper administration of justice, secure the observance of the privileges, immunities and facilities granted under this agreement.
2. If the government considers that there has been abuse of any privileges or immunity conferred by this agreement, consultations shall be held between the government and the Greater Virunga Transboundary Collaboration/Executive Secretariat to determine whether any such abuse has occurred and if so, the Greater Virunga Transboundary Collaboration/Executive Secretariat shall take

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necessary measures to remedy the situation and to ensure that no repetition occurs.

ARTICLE 14.

IDENTITY CARDS

The government of Rwanda shall provide the Greater Virunga Transboundary Collaboration/Executive Secretariat staff with a special identity card certifying the fact that they are officers or staff members of the Greater Virunga Transboundary Collaboration/Executive Secretariat enjoying the privileges and immunities specified in this agreement.

ARTICLE 15

SETTLEMENT OF DISPUTES

1. The Greater Virunga Transboundary Collaboration/Executive Secretariat by agreement with the government, make provisions for appropriate modes of settlement of:
 - a. Disputes arising out of contracts or other disputes of a private law character to which the Greater Virunga Transboundary Collaboration/Executive Secretariat is a party.
 - b. Disputes involving any official of the Greater Virunga Transboundary Collaboration/Executive Secretariat who by reason of his/her official position enjoys immunity, if immunity has not been waived by the Greater Virunga Transboundary Collaboration/Executive Secretariat.
2. All differences arising out of the interpretation or application of the present agreement shall be settled by mutual consultations between the parties unless in case it is agreed by the parties to have recourse to another mode.

ARTICLE 16



FINAL CLAUSES

1. This agreement shall enter into force upon signature.
2. This agreement will remain in force until such time as it is terminated by mutual consent, or by one party giving 6 months written notice of termination to the other party.

3. In the event of termination of this agreement necessary steps shall be taken by each party to ensure that such termination is not prejudicial to any activities that are in progress within the framework of the agreement.
4. The hitherto existing Interim Greater Virunga Executive Secretariat shall assume all the rights, privileges, immunities and obligations under this agreement unless otherwise decided by member states.
5. This Agreement may be amended by both Parties to it at the request of either party in the spirit of appropriately providing for matters arising as a result of this Agreement.



In witness whereof, the respective representatives of the government of the Republic of Rwanda and the Greater Virunga Transboundary Collaboration/Executive Secretariat have signed this agreement.

For the Republic of Rwanda



Hon. MUSHIKIWABO Louise
Ministry of Foreign Affairs and Cooperation

For the Greater Virunga Transboundary Collaboration/ Executive Secretariat



Dr Ntamamba Tshibusu Georges
Executive Secretary