

Original Copy

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE UNITED NATIONS OFFICE OF THE
HIGH COMMISSIONER FOR HUMAN RIGHTS**

AND

**THE ROYAL GOVERNMENT OF CAMBODIA
FOR THE IMPLEMENTATION OF A TECHNICAL
COOPERATION PROGRAMME ON HUMAN RIGHTS**

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE UNITED NATIONS OFFICE OF THE
HIGH COMMISSIONER FOR HUMAN RIGHTS
AND
THE ROYAL GOVERNMENT OF CAMBODIA
FOR THE IMPLEMENTATION OF A TECHNICAL COOPERATION
PROGRAMME ON HUMAN RIGHTS**

WHEREAS pursuant to United Nations General Assembly resolution 926(X) of 14 December 1955, the General Assembly established the United Nations Programme of Advisory Services in the Field of Human Rights to be rendered by the Secretary-General, at the request of Governments;

WHEREAS pursuant to agreements between the United Nations as administrator and the respective donors to the former Trust Fund for a Human Rights Education Programme in Cambodia, such fund has been transferred in trust to the Office of the High Commissioner for Human Rights (hereinafter OHCHR) activities in Cambodia;

WHEREAS the Royal Government of Cambodia and the Office of the High Commissioner for Human Rights have previously, under an agreement of technical cooperation, pursued a programme of cooperation in the field of human rights;

WHEREAS it is desirable to build upon the cooperation that has taken place;

WHEREAS the Royal Government of Cambodia and the United Nations Development Programme have concluded in December 1994 a Standard Basic Assistance Agreement (hereinafter SBAA);

NOW THEREFORE the OHCHR and the Royal Government of Cambodia represented by the Ministry of Foreign Affairs and International Cooperation in consultation with the Cambodia Human Rights Committee (hereinafter the "Government") as Parties to this MoU have agreed as follows:

I. OBJECTIVES

Article 1

Purpose of the Memorandum of Understanding

The purpose of this Memorandum of Understanding is to declare the intention of the Parties to cooperate in the implementation of a Technical Cooperation Programme in the field of Human Rights (hereinafter the "Programme") and establish a framework of cooperation.

7A
11

6
25

II. DESCRIPTION OF THE PROGRAMME

Article 2

Operational Presence of the Office of the High Commissioner for Human Rights in Cambodia

2.1 The Parties agree to extend the operational presence of the OHCHR for another period of two years from the date of signature of this MoU by the United Nations High Commissioner for Human Rights with a view to carrying out Technical Cooperation Programme activities in order to help implement the programme of cooperation provided for in this Memorandum of Understanding.

2.2 At least two months before the termination of validity of the MoU, a joint progress assessment and evaluation shall be made and the projects for the next two-year-term shall be established.

Article 3

Projects

3.1. It is the understanding of the Parties that the activities of the OHCHR and the Technical Cooperation Programme are designed to strengthen further the capacity of both governmental and non-governmental institutions to promote and protect human rights in Cambodia.

3.2. It is also the understanding of the Parties that the Programme shall consist of the projects described in this paragraph, as well as others which may be agreed upon by the Parties. Such projects are to be implemented by the OHCHR through its operational presence in Cambodia in close co-operation with the Government. The projects include, among others, the following substantive areas:

- (1) The provision of continuing assistance to the Government in promoting and protecting human rights;
- (2) The promotion of greater integration of the human rights dimension into education, health and other development programmes, in cooperation with development partners;
- (3) The provision of further training to law enforcement and armed forces officials with a view to increasing their knowledge of international human right standards in support of the Government's restructuring and reform programmes;
- (4) The provision of technical support for the Government's reform programmes, including in the areas of administration of justice and the legislative process, and to encourage the participation of civil society and to promote public education in democracy and human rights, especially in the domains of economic, social and cultural rights in conformity with international human rights standards;

TH

AP

4
25

- (5) The provision, upon request by the Government, of technical assistance and advice in fulfilling its responsibilities including submission of reports by Cambodia under its international human rights treaty obligations;
- (6) The provision of advice and assistance to the Government and its civil society partners on the establishment of a national human rights institution, and the training of its staff on human rights.
- (7) The provision of any other necessary assistance upon request from the Government and agreement by the Parties.

3.3. These projects are to be carried out by the OHCHR's various units through:

- (a) Advisory Services and Technical Assistance;
- (b) Training Courses and Seminars;
- (c) Documentation and Information; and
- (d) Support to Civil Society, the Cambodia Human Rights Committee and other government institutions.

3.4 Technical assistance and advice to be provided by the OHCHR upon request of the Government shall follow applicable UN Technical assistance procedures.

Article 4 **Responsibilities of the OHCHR**

The OHCHR shall be responsible for:

- a) providing necessary officials, experts and consultants as required to organise and direct the projects or to implement the program activities as outlined in Article 3 above;
- (b) maintaining ongoing consultation with the Government on all matters of implementation of the programme activities, including the provisions of Article 4 (a) above;
- (c) providing information to the Government prior to official visits, regarding the programme of official visits to Cambodia of the UN officials responsible for human rights, including requests for entry visas for all visitors in accordance with Cambodian regulations;
- (d) covering the travel expenses and daily subsistence allowance of United Nations officials, experts and consultants provided to the Government by the OHCHR, in accordance with the procedure established under the United Nations Advisory Services Programme in the Field of Human Rights;
- (e) providing to the Government reports and recommendations made by such experts and consultants;

TH
RP

b
PA

- (f) arranging for and covering the costs of all materials it considers necessary for the Programme in connection with the above-mentioned projects; and
- (g) providing to the Government on a regular basis an updated list of its expatriate and local staff.

Article 5
Responsibilities of the Government

The Government shall be responsible for:

- a) advising the OHCHR on the particular needs which the Government wishes to see addressed in the implementation of the Programme, on actions which the Government has taken to follow up on advice provided by the OHCHR, and on relevant information which will assist the OHCHR in the fulfilment of its mandates;
- b) assisting the OHCHR, at the request of the OHCHR, in inviting local participants, including Government officials, for the activities outlined in the projects of the Programme referred to in Article 3 above; and
- c) ensuring the security of all persons mentioned in Article 7 below who are performing their official functions as described in articles 3 and 4 above as well as the property and premises of the OHCHR used in connection with the implementation of the present Memorandum of Understanding;

III. FUNDING

Article 6
Funding

6.1. It is the understanding of the Parties that the activities of the OHCHR, as described in Article 4 above, as well as all other activities carried out by the OHCHR under this Memorandum for the implementation of the Programme, are to be funded by the United Nations Trust Fund for a Human Rights Education Programme in Cambodia or other United Nations voluntary funds administered by the OHCHR, as the OHCHR may consider appropriate.

6.2 The Government, represented by the Ministry of Foreign Affairs and International Cooperation and the Cambodia Human Rights Committee and the OHCHR agree to consult on a quarterly basis, with a view to developing a programme of work within foreseeable resources. This programme shall be regularly revised and adjusted in accordance with available funds and/or with the progress achieved.

TH
SP

dk
SP

6.3. It is understood and agreed by the Parties that compliance by the OHCHR with its responsibilities is dependent on the availability of funds and, therefore, at any time during the implementation of the Programme should there be a lack of funds, the Parties shall consult with each other with a view to obtaining the required financing. If no such financing is available, the Programme or any project(s) thereunder may be reduced, amended or terminated by the OHCHR, in consultation with the Government.

IV. LEGAL ARRANGEMENTS APPLICABLE TO PROJECT ACTIVITIES AND THE OPERATIONAL PRESENCE OF THE OFFICE

Article 7 **Privileges and Immunities**

7.1. The Government agrees to apply the provisions of the UNDP/SBAA to all activities and personnel of the OHCHR, as well as the property and premises of the United Nations in Cambodia, used in relation with the operational presence of the OHCHR.

7.2. The experts invited by the United Nations to conduct seminars, training courses, workshops and other similar activities shall be considered as experts on mission for the United Nations;

7.3. With respect to all activities of the Programme and of the operational presence of the OHCHR:

- (a) United Nations officials, experts, consultants, persons performing services or participating in activities described in articles 3 and 4 above shall be granted all the privileges and immunities set forth in Article IX of the UNDP/SBAA, as appropriate;
- (b) Officials of the Specialized Agencies participating in such activities shall be accorded the relevant privileges and immunities under the Convention on the Privileges and Immunities of the Specialized Agencies;
- (c) Without prejudice to the provisions of the UNDP/SBAA, all experts and persons performing their official functions shall be granted such privileges and immunities, facilities and courtesies, as are necessary for the independent exercise of their functions;
- (d) Without prejudice to the provisions of the Convention on Privileges and Immunities of the United Nations, the Royal Government of Cambodia shall respect the complete freedom of expression of all participants at seminars, training courses, workshops and similar activities organized by OHCHR, in accordance with relevant United Nations principles and practices.
- (e) All experts and officials of the United Nations and all persons performing official functions relevant to the activities of the Programme shall be granted the facilities provided under Article X of the UNDP/SBAA.

Article 8
Claims Against the United Nations

Claims brought against the United Nations by third parties as defined in Article X(2) of the UNDP/SBAA in connection with the implementation of the Programme shall be dealt with in accordance with the provisions set out in Article X(2) of the UNDP/SBAA.

Article 9
Settlement of Disputes

It is understood and agreed by the Parties that any dispute between the United Nations and the Government arising out of, or relating to, the Programme and any project thereof shall be settled in accordance with the provisions set out in Article XII of the UNDP/SBAA.

Article 10
Amendments

This Memorandum may be modified by written agreement between the Parties.

Article 11
Entry into Force and Duration

This Memorandum shall enter into force on the date of signature by the United Nations High Commissioner for Human Rights for a period of two years.

Signed, this 08 day of December 2004, in Phnom Penh,
and this 12 day of January 2005 in Geneva, in both English and Khmer
languages. In case of divergent interpretation, the English text shall prevail.

For the United Nations

For the Royal Government of Cambodia



Louise Arbour
United Nations
High Commissioner for Human Rights



HOR Namhong
Deputy Prime Minister
Minister of Foreign Affairs
and International Cooperation