



**PROTOCOL BETWEEN THE UNITED NATIONS AND THE
GOVERNMENT OF THE REPUBLIC OF UZBEKISTAN TO FACILITATE THE
DELIVERY OF HUMANITARIAN ASSISTANCE
FROM UZBEKISTAN TO AFGHANISTAN**

PREAMBLE

Whereas paragraph 7 of the Annex to United Nations General Assembly Resolution 46/182 urges the States in proximity to emergencies to participate closely with the affected countries in international efforts, with a view to facilitating, to the extent possible, the transit of humanitarian assistance;

Whereas paragraph 28 of the said Annex provides that the United Nations should continue to make appropriate arrangements with interested Governments and intergovernmental and non-governmental organisations to enable it to have more expeditious access, when necessary, to their emergency relief capacities, including food reserves, emergency stockpiles and personnel, as well as logistic support;

Whereas the Government of the Republic of Uzbekistan and United Nations both desire to contribute to the expeditious delivery of international humanitarian assistance to the needy population in Afghanistan and to involve other inter-governmental organisations (IGOs) and international non-governmental organisations (INGOs) to render such assistance in an organised manner;

Now therefore, the United Nations represented by the Office of the United Nations Resident Coordinator, hereinafter referred to as "*the United Nations*," and the Government of the Republic of Uzbekistan represented by its Ministry of Foreign Affairs, hereinafter referred to as "*the Government*," and both hereinafter referred to as "*the Parties*" hereby agree as follows:

**ARTICLE 1.
FACILITATION MEASURES**

HUMANITARIAN PERSONNEL:

The United Nations shall:

- 1.1 Through its Office for the Coordination of Humanitarian Affairs, (hereafter referred to as UNOCHA) assist the Government in identifying those IGOs and INGOs having bona fide humanitarian programmes in Afghanistan.
- 1.2 Provide to the Government lists of personnel from bona fide IGOs and INGOs which have been identified in accordance with section 1.1, to facilitate their travel movements between Uzbekistan and Afghanistan (see Annex 1: UN Transit Request) The list will contain the names, passport details and organisation of the personnel concerned.



The Government shall:

- 1.3 Extend to the bearers/holders of national passports and/or United Nations Laissez-Passers, included in the UN Transit Request, the facilities, which pertain to and facilitate by all suitable means, the execution of the mission on which he/she is engaged, including in particular, the timely provision of exit and re-entry permits at the request of the United Nations.
- 1.4 Facilitate accreditation and/or provision of exit and re-entry permits to personnel of bona fide IGOs and INGOs not registered in Uzbekistan but involved in cross-border operations to assist needy populations in Afghanistan, including personnel accompanying humanitarian cargo aboard aircraft, railway and vehicles and having Termez as their initial entry-point into the Republic of Uzbekistan.
- 1.5 Verify that personnel of IGOs and INGOs entering the Republic of Uzbekistan are accompanied by updated international health certificates as prescribed by the World Health Organisation (WHO).

IMPORT/EXPORT/TRANSIT GOODS:

The United Nations shall endeavour to:

- 1.6 Ensure that cargo in transit and destined for humanitarian operations within Afghanistan is transported in sealed trucks, rail wagons or containers of suitable specification and that transit cargo is accompanied with waybills (bills of lading) listing the contents of cargo at the time in which the cargo was last inspected and sealed
- 1.7 Ensure transit cargo is in compliance with customs regulations concerning the import/export of illegal arms or substances and with standards of hygiene and animal protection and normal requirements regarding fumigation and prohibitions and restrictions on imports and exports in regard to the designated relief supplies.
- 1.8 Fulfil its financial obligations to organisations and companies registered in the Republic of Uzbekistan related to handling, temporary storage and transportation of humanitarian goods where such obligations have been mutually agreed upon by the United Nations and such organisations and companies in writing.
- 1.9 Ensure all vehicles and vessels used by the United Nations and bona fide IGOs and INGOs for humanitarian purposes inside the Republic of Uzbekistan will be properly registered with an appropriate authority, in accordance with the requirements of international law and shall carry appropriate insurance as may be required by the legislation of the Republic of Uzbekistan;
- 1.10 Ensure that humanitarian assistance to Afghanistan, is distributed on the basis of neutrality, impartiality and other humanitarian principles in accordance with established schedules and subject to assessed need and availability of funding.
- 1.11 Use its best efforts to ensure that bona fide IGOs and INGOs comply with the provisions set forth in sections 1.6, 1.7, 1.9, and 1.10. The Government acknowledges and accepts that compliance by the IGOs and INGOs with the provisions of this Protocol is beyond the control of the United Nations.



The Government shall:

- 1.12 Allow admission free of import/transit/export duties and taxes or charges in respect of all relief consignments destined for and addressed to Afghanistan by the United Nations, or IGOs and INGOs involved in United Nations humanitarian relief operations, for distribution free of charge by them or under their control to needy populations in Afghanistan.
- 1.13 Accept at importation, transit and/or exportation, as a general rule, forwarding documents of relief consignments as evidence of the contents and of the intended use of such consignments;
- 1.14 Take such steps as may be necessary in order that the Customs authorities in Termez are in a position to:
 - a) expeditiously examine, only when necessary for security or narcotics/contraband control purposes and where appropriate by applying sampling or selective techniques against the summary declaration, the contents of the relief consignments and possessions of humanitarian personnel, and certify the results of this examination on that declaration; and
 - b) allow staff or appointed representatives of the United Nations, its specialised agencies, IGOs and INGOs, under supervision of the public authorities of Uzbekistan, to disassemble transit cargo including shipments in containers and on pallets, so that they may sort and reassemble shipments for onward carriage without examination, except for reasons of security or in special circumstances, and subject only to simple documentation where required;
- 1.15 Make arrangements whereby the maximum number of relief consignments can be released promptly after arrival upon presentation of a provisional entry document or a legally acceptable electronic equivalent, subject to complete fulfilment of Customs and other requirements within a specified time limit.

AIRCRAFT

The United Nations shall:

- 1.16 Give advance notice of planned overflight or landing of United Nations aircraft on the territory of the Republic of Uzbekistan and will, through the United Nations Joint Logistics Centre, hereinafter referred to as UNJLC, duly advise all bona fide IGOs and INGOs present in the Republic of Uzbekistan of relevant rules and procedures under the Airspace Code of the Republic of Uzbekistan.

The Government shall:

- 1.17 Extend and apply equally those provisions under Article 1 to the use of aircraft owned or contracted by the United Nations and its agencies, including expeditious granting of landing and overflight rights, where such aircraft is used exclusively in support of humanitarian assistance.



PORT FACILITIES

- 1.18 The Parties agree that the use of port facilities will be as provided for in the standing Memorandum of Understanding between the United Nations System in Uzbekistan and the State Border Protection Committee of the Republic of Uzbekistan on the Subject of Establishing Humanitarian Rates *for Use of the Termez River Port Facilities*, duly signed by both parties on 16 November 2001 (Annex 2).

AMUDARYA RIVER BRIDGE

The United Nations shall:

- 1.19 Through the UNJLC assist the Ministry of Emergency Situations of the Republic of Uzbekistan to identify cargo considered both "essential" and, for reasons of volume or weight, "cost-effective to transport by rail/road/bridge only." The UNJLC and Ministry of Emergency Situations of the Republic of Uzbekistan will jointly co-ordinate the passage of wagons/vehicles over the bridge and arrange for necessary clearances and special procedures to expedite the delivery of essential assistance to Afghanistan.
- 1.20 Copy to the Ministry of Emergency Situations of the Republic of Uzbekistan all reports regarding the movement of food and other essential commodities over the bridge.

The Government shall:

- 1.21 Facilitate the use of rail and road over Amudarya River bridge in order for the United Nations, its agencies and IGOs and INGOs to effect expeditious delivery of humanitarian assistance, particularly food aid, medicine, blankets, clothing and other essential, life-saving items to the needy populations of Afghanistan.
- 1.22 Establish facilities to inspect cargo aboard train wagons/vehicles prior to crossing the Amudarya River and to inspect those empty wagons/vehicles returning to the territory of Uzbekistan from Hairaton.

TELECOMMUNICATIONS

- 1.23 The Government shall facilitate the efforts of the United Nations and bona fide IGOs and INGOs to clear and register communications equipment used by their humanitarian personnel, including HF/VHF radios and satellite/mobile telephones and to have access to radio frequencies essential for security and for humanitarian activities within Afghanistan.

ARTICLE 2. **APPLICATION OF FACILITATION MEASURES**

- 2.1 The Government shall appoint the Ministry of Emergency Situations of the Republic of Uzbekistan as the coordinator in assisting the United Nations in rendering humanitarian aid to the people of Afghanistan from the territory of Uzbekistan.



ARTICLE 3.
PRIVILEGES AND IMMUNITIES

- 3.1 The Government shall apply to the United Nations and its organs, their property, funds and assets, and to their officials, the provisions of the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly on 13 February 1946. The Government shall apply to each Specialised Agency of the United Nations, its property, funds and assets, and to its officials, the Convention on the Privileges and Immunities of the Specialised Agencies, including any Annex to the Convention applicable to such Specialised Agency.
- 3.2 Personnel of IGOs and INGOs, including IGOs and INGOs that are identified as having bona fide humanitarian programmes in Afghanistan in accordance with this Protocol, shall not be considered employees or agents of the United Nations in any respect. The United Nations shall not be liable for any claims arising out of activities performed by IGOs or INGOs or their staff, or for any expenses, fees, tolls or any other cost incurred by or on behalf of the IGOs, INGOs or their staff.

ARTICLE 4.
ENTRY INTO FORCE, AMENDMENT AND TERMINATION

- 4.1 This Protocol shall enter into force from the date of its signing by both Parties. The Protocol may be amended only by a written instrument signed by both Parties and may be terminated by either Party on 30 days written notice to the other Party.
- 4.2 The Parties may, with the aim of clarifying relevant provisions therein, sign Appendixes which will form an inherent part of this Protocol.
- 4.3 This Protocol will automatically be terminated after 2 years from the date of signature unless the parties jointly agree to extend the Protocol.

IN WITNESS WHEREOF the undersigned, being duly appointed representatives of the Parties, respectively, have on behalf of the Parties signed this Protocol in duplicate each in Russian and English, all texts being equally authentic.

Signed at *Tashkent* on 14 December 2001.

For the United Nations

For the Government of the
Republic of Uzbekistan