

**AGREEMENT**  
**BETWEEN**  
**THE AFRICAN UNION**  
**AND**  
**THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA**  
**ON**  
**THE HEADQUARTERS OF THE AFRICAN UNION**



**Whereas** the Heads of State and Government of the Member States of the Organisation of African Unity (OAU) at their Meeting of 11 July 2000, in Lome, Togo, adopted the **Constitutive Act** establishing the African Union;

**Considering** that the decision to establish the **African Union** was inspired by the declared determination of the Heads of State and Government of the Member States of the OAU to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States;

**Recalling** that the Heads of State and Government of the Member States of the OAU were determined to take up the multifaceted challenges that confront their continent and peoples in the light of social, economic and political changes taking place in the world;

**Recalling also** the decision of the Heads of State and Government of the African Union adopted at its First Ordinary Session held in Durban, South Africa, in July 2002 and the provision in **Article 24** of the **Constitutive Act** that the Headquarters of the **African Union** shall be in Addis Ababa, in the Federal Democratic Republic of Ethiopia;

**Further Recalling** the decision of the Heads of States and Government of the African Union **adopted at the Third Ordinary Session of the Assembly held in Addis Ababa, Ethiopia, 6 - 8 July 2004**, that the Commission of the African Union is an integral part of the Headquarters of the Union as stipulated in Article 24 of the Constitutive Act;

**Aware** that **Article 5** of the **Constitutive Act** established as one of its organs the Commission of the African Union;

**Noting** that the Government of the Federal Democratic Republic of Ethiopia has maintained its commitment to facilitate the functioning of the Commission of the African Union and other organs of the Union in Ethiopia;

**Cognisant of the fact** that the **Commission** is the Secretariat of the African Union with functions provided for in the Rules of Procedure of the Assembly of the Union and the Statutes of the Commission;

**Mindful** that pursuant to **Article 19 of the Statutes of the Commission**, the Headquarters of the African Union and other organs and administrative and technical offices of the African Union shall be governed by Host Agreements negotiated by the Commission with the Host countries;

**Further Mindful** that by Decision EX.CL/195(VII) Rev.1 Annex III of July 2005 of the Executive Council on the Criteria for hosting the African Union Organs;



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**Considering** that pursuant to Article 19 of the Statutes of the Commission, the Headquarters and other offices of the African Union shall enjoy the privileges and immunities stipulated in the OAU General Convention on Privileges and Immunities, the Vienna Convention on Diplomatic Privileges and Immunities, and the Vienna Convention on the Law of Treaties and the Vienna Convention between States and International Organisations or between International Organisations which privileges and immunities are required and are necessary for the African Union and its officials in the execution of their functions, and for the achievement of the objectives of the African Union;

**Determined** to take into consideration new developments and consequently to update the Headquarters Agreement;

**NOW THEREFORE**, the Government of the Federal Democratic Republic of Ethiopia and the Commission of the African Union represented by their duly authorized Representatives

**HAVE AGREED** as follows:

### **ARTICLE 1 DEFINITIONS**

For the purposes of this Agreement, and unless the context otherwise requires, the following terms and expressions shall have the meaning as stated hereunder:

**“Act”** means the Constitutive Act of the African Union;

**“Additional Protocol”** means the Additional Protocol to the OAU General Convention on Privileges and Immunities adopted by the 35 Ordinary Session of the Council of Ministers in June 1980 in Freetown Sierra Leone;

**“AU”** means the African Union established by the Constitutive Act of the African Union adopted on 11 July 2000 and which entered into force on 26 May 2001;

**“Appropriate Authorities”** means such national, local or other authorities in the Federal Democratic Republic of Ethiopia, as may be appropriate under the laws of the Federal Democratic Republic of Ethiopia;

**“Assembly”** means the Assembly of Heads of State and Government of the African Union;

**“Chairperson”** means Chairperson of the Commission;

**“Commission”** means the Commission of the African Union as constituted in Article 20 of the Constitutive Act of the African Union and the Rules of Procedure of Assembly;



**“Elected Official”** means all persons elected to office by the Assembly or Executive Council of the African Union;

**“Executive Council”** means the Executive Council of Ministers of the African Union;

**“General Convention”** means the Convention on the Privileges and Immunities of the Organisation of African Unity (OAU) adopted by the Assembly of Heads of State and Government of the OAU on July 19, 1964 and acceded to by the Federal Democratic Republic of Ethiopia on 3 July 1968;

**“Government”** means the Government of the Federal Democratic Republic of Ethiopia;

**“Headquarters”** means the seat of the African Union including the buildings, offices, premises, structures or portions thereof which at any given time are occupied or used by the African Union in the territory of the Federal Democratic Republic of Ethiopia;

**“Host Country”** means the Federal Democratic Republic of Ethiopia;

**“Member State”** means a member state of the Union;

**“OAU”** means the Organisation of African Unity;

**“Officials and other employees”** means all members of the staff of the African Union serving the Commission of the African Union irrespective of nationality, except those recruited locally on hourly rates of pay, as defined in the Staff Rules and Regulations;

**“Premises and Facilities”** means areas designated as offices of the African Union or any other area with buildings and structures, equipment and other installations and facilities as well as surrounding grounds occupied permanently or temporarily by the African Union and recognized as such by the Government;

**“Representative of a Member State”** includes a resident representative, accredited temporary representative, leader of a delegation and a member thereof including advisers, consultants, and technical experts;

**“Union”** means the African Union established by the Constitutive Act and includes the Commission and all the organs of the African Union;

**“The Vienna Convention”** means the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961.



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## ARTICLE 2 PURPOSE AND SCOPE OF THE AGREEMENT

1. This Agreement shall regulate matters relating to or arising out of the establishment and functioning of the Commission and its relationship with the Government, in the territory of the Federal Democratic Republic of Ethiopia.
2. The Commission, its Members, officials and employees shall respect the laws and regulations of the host country.

## ARTICLE 3 JURIDICAL PERSONALITY

1. The AU and the Commission are vested with juridical personality in the Host Country and shall have the capacity to:
  - (a) contract;
  - (b) acquire and dispose of immovable and movable property in accordance with the laws of the Federal Democratic Republic of Ethiopia or such arrangements as may be agreed upon with the Government; and
  - (c) institute legal proceedings and participate in legal process subject to the provisions of Article VI hereunder
2. For the purposes of this Agreement, the Chairperson or the Representative acting on his or her behalf shall represent the AU as well the Commission as the case may be.

## ARTICLE 4 APPLICATION OF THE GENERAL CONVENTION AND THE VIENNA CONVENTION

1. The General Convention and the Vienna Convention shall be applicable *mutatis mutandis* to the AU, the Commission, its property, funds and assets, the headquarters, premises, and facilities of the Commission.
2. The Conventions listed in sub article 1 above shall apply, where appropriate, to officials specified in Article 14 of this Agreement.

## ARTICLE 5 IMMUNITY OF PROPERTY, FUNDS AND ASSETS OF THE COMMISSION

The Premises, property, funds and assets of the Commission, wherever located within the Federal Democratic Republic of Ethiopia and by whomsoever held, shall be immune from legal process, except in so far as in any particular case the



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Commission has expressly waived its immunity, it being understood, however, that this waiver shall not extend to any acts of execution.

**ARTICLE 6**  
**INVIOABILITY OF THE PREMISES, PROPERTY ASSETS AND**  
**TRANSACTIONS OF THE COMMISSION AND THE RESIDENCES OF THE**  
**ELECTED OFFICIALS, AND OFFICIALS OF THE COMMISSION**

1. The Premises of the Union shall be inviolable. The property, funds and assets of the Commission, wherever situated in the Federal Democratic Republic of Ethiopia and by whomsoever held shall be immune from search, requisition, confiscation, expropriation and any other form of interference or seizure whether by executive, administrative, judicial or legislative action.
2. The inviolability provided for in Article 6 (1) above shall apply *mutatis mutandis* to the residence of the Chairperson of the Commission, those of the Deputy Chairperson and the Commissioners as well as the officials of the Commission.
3. Government officials, whether prosecutorial, administrative, civil, security, military or police, shall not enter the premises of the Commission except with the knowledge and consent of the Chairperson or his or her designated representative. The said officials shall not enter the residence of the Chairperson, those of the Deputy Chairperson and the Commissioners as well as officials of the Commission without their knowledge and consent or that of the Chairperson.
4. In the event of natural disaster, fire or any other emergency constituting an immediate threat to human life and to the Premises, the consent of the Chairperson is presumed if he or she or his or her representative cannot be reached in time and the Government shall take the necessary prompt, protective or remedial action.
5. The Premises and Headquarters of the Union shall be inviolable. For its official communications and the transmission or transfer of all its documents, the AU shall enjoy in the Federal Democratic Republic of Ethiopia treatment, privileges and immunities no less favorable as is granted by the Government to any other international organizations and to foreign diplomatic missions in the Federal Democratic Republic of Ethiopia.
6. The AU shall have the right to establish and operate research, documentation and other technical facilities in the territory of the Federal Democratic Republic of Ethiopia and shall have the right to install and operate at the Headquarters/Official premises and other organs and offices of the Union for its exclusive official use, all-purpose radio station or stations and such additional broadcasting and other communications facilities under conditions no less favourable than those prescribed for other international organizations of similar



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status. The AU shall coordinate with the Government frequencies which might be required for equipment to be used for broadcasting and communication in accordance with the laws of Ethiopia, including those relating to safeguards, health and safety provisions.

7. The frequencies on which the station(s) may be operated shall be communicated by the authorities of the Federal Democratic Republic of Ethiopia to the International Frequency Registration Board.

8. Where the Government determines that such facilities might pose or create hazards to health, the environment, safety or security, or might interfere with property, it shall notify the AU in writing to take appropriate measure or measures to mitigate the impact of such hazard.

9. Without limitation by reason of this enumeration, the AU shall have the right to use codes and to dispatch and receive its official correspondence. Accordingly, all official communications directed to the AU or to any official of the Commission at the Headquarters or Official Premises or the premises of other organs and Representational and Specialized offices of the Union and all outward official communications, publications, documents, still and moving pictures, films and sound recordings of the AU, in whatever form transmitted and by whatever means, either by courier or in sealed bags, shall be immune from censorship and from any other form of interception or interference with their privacy and shall have the same immunities and privileges as diplomatic couriers and bags.

10. Subject to the relevant provisions of the laws of the Federal Democratic Republic of Ethiopia, including any international conventions to which the Federal Democratic Republic of Ethiopia is a party, the AU shall have the right to publish within the Federal Democratic Republic of Ethiopia in fulfilment of its purpose.

11. For its official purposes, the AU shall be entitled to use transportation operated by the Government at the same rates and treatment as may be granted to resident diplomatic missions or any other international organization.

12. Aircraft operated by or for the AU shall be exempt from all charges, except those for actual service rendered, and from fees or taxes incidental to the landing at, parking on or taking off from an aerodrome in of the Federal Democratic Republic of Ethiopia.

13. Any vessel operated by or for the AU shall be exempt from all charges, except those for actual service rendered, and from fees or taxes incidental to the docking at, or sailing away from any dock in the Federal Democratic Republic of Ethiopia.



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14. Save as provided for in the Article 6 (12) and (13) above, nothing herein shall be construed as exempting such aircraft or vessel from full compliance with all applicable laws of the Federal Democratic Republic of Ethiopia governing the operation of flights and shipping into, within and out of the territory and territorial waters of the Federal Democratic Republic of Ethiopia.

15. Without prejudice to the provisions of the General Convention or of this Agreement, the AU shall assist in ensuring that the Headquarters and Premises are not a refuge for persons who are avoiding arrest under any law of the Federal Democratic Republic of Ethiopia or who are required by the Government for extradition to another country or who are endeavouring to avoid service of legal process.

16. Without prejudice to the provisions of the General Convention or this Agreement, the AU shall have the power to make rules and regulations applicable within the Headquarters and to establish means for the application and enforcement of such rules and regulations. Where there are inconsistencies between these rules and regulations and the laws of Ethiopia, the latter shall take precedence and shall apply within the Headquarters.

#### **ARTICLE 7 PROVISION OF UTILITIES AND FACILITIES**

1. The Federal Democratic Republic of Ethiopia shall, on request of the Commission, make arrangements on fair terms for public and utility services needed by the Commission which shall include but shall not be limited to postal, telephone and telegraphic services, electricity, water, gas, sewage, waste collection and disposal, fire protection, security, cleaning of public streets adjoining the Premises,

2. In cases where electricity, water, gas or other services referred to in Article 7 (1) above are made available to the AU by the Government, or where the prices thereof are under its control, the rates for such services shall not exceed the best comparable rates accorded to diplomatic missions or international organizations.

3. In case of "force majeure" resulting in a complete or partial disruption of the aforementioned services, the AU shall, for the performance of its functions, be accorded the priority given to essential agencies and organs of the Government.

4. Upon request of the Government, the Chairperson or an official designated by him or her, shall make suitable arrangements to enable the duly authorized representatives of the appropriate public services to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers on the AU Premises under conditions which shall not unreasonably disturb the carrying out



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of the functions of the Commission. Underground constructions may be undertaken by the Government on the AU Premises only after consultation with the Chairperson and his or her approval, or with an official designated by him or her, and under conditions, which shall not disturb the carrying out of the functions of the Commission.

### **ARTICLE 8 FLAG, EMBLEM AND MARKINGS**

The AU shall be entitled to display the flag of the Union at its Headquarters, or on the Official Premises of the Commission, and to fly the flag at the Residence of the Chairperson, on official vehicles of the Chairperson or an official designated by him or her and vessels and aircraft of the Commission.

### **ARTICLE 9 INVIOABILITY OF COMMISSION'S ARCHIVES AND DOCUMENTS**

The archives and documents of the AU, including but not limited to all the papers, correspondence, materials, books, films, tapes, registers, data-bases and computerized data and documentation belonging to it and held by whomsoever, wherever located within the Federal Democratic Republic of Ethiopia, shall be inviolable.

### **ARTICLE 10 COMMUNICATIONS**

1. The AU shall enjoy, in respect of its official communications, treatment not less favourable than that accorded by the Government to international organizations in matters of cablegrams, telephotos, telephone, telegraph, telex, telefax, email, satellite communication and other modes of communication. In particular, the AU shall enjoy treatment not less favourable than that accorded by the Government in matters of priorities, tariffs and charges on mail to International Organizations.
2. The Government shall secure the inviolability of the official communications and correspondence of the AU and shall not apply any censorship of communications and correspondence of the AU, the Commission, the Chairperson and the Commission's officials and other employees.
3. The AU shall have the right to use codes and to dispatch and receive correspondence and other materials by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.
4. The AU shall have the right to erect and operate on the premises radio and other telecommunications equipment on AU registered frequencies which have



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been allocated by the Government including between the Headquarters of the Union and with other Organs and offices of the Union provided that such radio and other telecommunications equipment meet internationally accepted standards as determined by the relevant Government authorities. The frequencies on which any station may be operated shall be duly communicated by the Ethiopian telecommunication authorities to the International Frequency Registration Board.

5. For the fulfilment of its purposes, the AU shall have the right to publish within the territory of the Federal Democratic Republic of Ethiopia in conformity with this Agreement any information or other material relating to its functions.

#### **ARTICLE 11 APPLICATION OF THE LAWS OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA**

1. Except as provided for in this Agreement or in the provisions of the General Convention, the Laws and regulations of the Federal Democratic Republic of Ethiopia shall apply within the AU Premises.
2. The AU Premises shall be under the control and authority of the Commission as provided for in this Agreement.
3. The Commission shall have the power to make rules and regulations operative within the AU Premises for the purposes of establishing therein the conditions in all respects necessary for the full execution of its mandate, provided that in case of conflict between the rules and regulations of the AU and the Laws of Ethiopia, the latter shall not apply within the Headquarters to the extent of the conflict or inconsistency.
4. Except as otherwise provided in this Agreement, the Courts of the Federal Democratic Republic of Ethiopia shall have jurisdiction over acts done and transactions taking place in the Headquarters of the Union.
5. All official business between the Government and the AU shall be conducted through the Ministry of Foreign Affairs or such other Government Department as may be designated by the Government.

#### **ARTICLE 12 PROTECTION OF THE AU PREMISES AND VICINITY, OF OFFICIALS OF THE COMMISSION AND THEIR RESIDENCES**

1. The Government through its appropriate authorities, shall ensure the security and protection of the Commission so that the tranquility of the Premises are not disturbed by the intrusion of any person or group of persons attempting



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unauthorized entry into, or creating disturbance in the immediate vicinity of the Premises.

2. At the request of the Chairperson or his or her designated representative, the Government shall provide adequate police and security services necessary for the preservation or enforcement of law and order on the AU Premises or in the immediate vicinity therein and for the immediate removal of any undesirable persons.

3. The Government shall ensure adequate security and protection to the Officials of the Commission, the residence of the Chairperson and his or her Deputy, the houses of the Commissioners and officials of the Commission.

4. The Commission and the Government may conclude supplementary agreements to provide for additional arrangements for the provision of security to the Premises, to the Officials of the Commission, as deemed necessary.

### **ARTICLE 13 ACCESS, TRANSIT AND RESIDENCE**

1. The Government shall facilitate travel and entry into and the transit to or from the territory and, where appropriate, of residence in the Federal Democratic Republic of Ethiopia for the following persons and shall afford them protection as may be requested by the Chairperson or the Representative acting on his or her behalf in accordance with the provisions of this Agreement and the General Convention:

- (a) officials of the AU;
- (b) spouses of the officials of the AU;
- (c) children and relatives of the officials of the AU residing with and dependent on them;
- (d) persons, other than officials of the AU, performing missions for the AU together with their spouses and the members of their families residing with and dependent on them;
- (e) other persons invited to the Headquarters on official business, whose names shall be communicated to the Government by the Chairperson or his or her assigned representative.

2. In case of a request for a person provided for in the Article 13 (1) above to leave the territory, such persons shall leave in accordance with the rules and regulations applicable to members of the staff of diplomatic missions accredited to the Federal Democratic Republic of Ethiopia.



3. Spouses, children and or dependant persons of the category envisaged above may be allowed to undertake work or pursue charitable vocation provided that they are given permission by the Government, through the Ministry of Foreign Affairs under conditions no less favourable than those accorded to diplomatic missions or other international organizations of comparable status.
4. The Chairperson or a Representative acting on his or her behalf shall, where possible communicate such information to the Government prior to the person's entry into the Federal Democratic Republic of Ethiopia; where such prior communication is not possible, the information shall be communicated to the Government as soon as practicable following the person's entry.
5. The Government undertakes to cooperate with the AU Commission in resolving any difficulties that may be brought to its attention.

**ARTICLE 14**  
**PRIVILEGES AND IMMUNITIES OF THE CHAIRPERSON, THE DEPUTY**  
**CHAIRPERSON, THE COMMISSIONERS, OFFICIALS AND EMPLOYEES OF**  
**THE COMMISSION**

1. The Chairperson, the Deputy Chairperson, the Commissioners, and Officials of the Commission of Professional 4 (P4) rank and above shall have, in respect of themselves, their spouses and dependent children such privileges and immunities as are accorded under the Vienna Convention and the General Convention.
2. Other officials and employees of the Commission shall be:
  - (a) immune from legal process for words spoken or written and all acts performed by them in their official capacity, and they shall continue to benefit from such immunity after their functions have ceased;
  - (b) immune from national service obligations except for nationals or permanent residents
  - (c) immune from personal arrest or detention;
  - (d) immune from seizure of their personal and official baggage;
  - (e) exempt from taxation in respect of salaries and other remuneration paid to them by the Commission;



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- (f) exempt from immigration restrictions and alien registration, together with their immediate families residing and dependent on them including their personal employees who are not nationals or permanent residents of the Federal Democratic Republic of Ethiopia;
- (g) accorded the same facilities in respect of currency or exchange restrictions as are accorded to the officials and other staff of comparable rank in diplomatic missions or international organisations in the Federal Democratic Republic of Ethiopia;
- (h) accorded the same protection and repatriation facilities with respect to themselves, their spouses, children, relatives, dependants and other members of their families and other personal employees who are not nationals or permanent residents of the Federal Democratic Republic of Ethiopia as are accorded in time of international crises or national emergencies to Officials diplomatic missions or international organizations of comparable status;
- (i) permitted uninhibited movement to, from and within the Federal Democratic Republic of Ethiopia to the extent necessary for fulfilling their mandate for and on behalf of the Union;
- (j) accorded, on termination of employment, the right to take out of the Federal Democratic Republic of Ethiopia funds in non-Ethiopian currencies under conditions no less favourable than that afforded to officials and staff of diplomatic missions or international organizations of comparable status.

3. The Chairperson, the Deputy Chairperson, the Commissioners, officials and employees of the Commission, excepting nationals and permanent residents, shall be permitted to import their furniture and personal effects in one or more shipments within a period of twelve months of first taking up their appointment in the Federal Democratic Republic of Ethiopia.

4. The Chairperson, the Deputy Chairperson, the Commissioners, the officials and employees of the Commission, excepting nationals and permanent residents, who are unmarried shall be allowed to import one (1) motor vehicle duty free whilst those who are married and accompanied by members of their families shall be allowed to import two (2) motor vehicles duty free. Modalities for the replacement of the motor vehicles shall be agreed upon between the Commission and the Government.

5. Other privileges shall be accorded to the Staff of the Commission commensurate with the privileges accorded to officials of comparable ranks of



international organisations in the Federal Democratic Republic of Ethiopia. Articles imported in accordance with the immunities and privileges referred to above shall not be sold in the Federal Democratic Republic of Ethiopia save within the conditions not less favourable than those extended to officials of comparable ranks of international organisations resident in the Federal Democratic Republic of Ethiopia.

6. All elected officials, and other officials of the Commission specified in Sub Article 1 of this Agreement, shall be provided with a diplomatic card certifying that they are officials of the Union enjoying the privileges and immunities specified in this Agreement as well as the Vienna Convention on Diplomatic Relations.

7. All other officials and other employees of the Commission shall be provided by the Government with a special identity card certifying the fact that they are officials and/or employees of the Union enjoying the privileges and immunities specified in this Agreement.

#### **ARTICLE 15**

#### **PRIVILEGES AND IMMUNITIES OF GOVERNMENT REPRESENTATIVES**

1. Representatives of Member States participating in the work of the AU or in any conference which may be convened by the AU at the Headquarters shall be entitled in the territory of the Federal Democratic Republic of Ethiopia, while exercising their functions and during their travel to and from the Headquarters, to the same privilege and immunities as are accorded to diplomatic envoys of comparable rank under international law, including but not limited to those provided for in Article V of the General Convention.

2. Representatives of non-African States accredited to the Union, separately from representation to the host country, participating in the work of the AU or in any conference which may be convened by the AU at the Headquarters, shall be entitled in the territory of the Federal Democratic Republic of Ethiopia, while exercising their functions and during their travel to and from the Headquarters, to the same privileges and immunities as are accorded to diplomatic envoys of comparable rank under international law, including but not limited to those provided in Article V of the General Convention.”

3. Residents as well as temporary accredited representatives of Member States to the AU shall be entitled in the territory of the Federal Democratic Republic of Ethiopia to the same privileges and immunities as the Government accords to diplomatic envoys accredited to the Federal Democratic Republic of Ethiopia.

4. The Commission shall communicate to the Government a list of officials referred to above and shall revise the list from time to time as may be necessary.



**ARTICLE 16**  
**PERSONS ON MISSION ON BEHALF OF THE UNION**

1. Persons undertaking missions on behalf of the Union shall enjoy the privileges, immunities and facilities accorded as necessary for the independent exercise of their functions during the period of their mission to the Federal Democratic Republic of Ethiopia.
2. The privileges and immunities granted to persons performing missions for the Union in this Agreement are in the interest of the Union and not for personal benefit.

**ARTICLE 17**  
**PRIVILEGES AND IMMUNITIES OF EXPERTS AND CONSULTANTS**

1. Experts and consultants, except Ethiopian nationals and permanent residents, shall be accorded such immunities and privileges as are necessary for the proper exercise of their functions during the period of their mission, in particular they shall:
  - a) be immune from personal arrest or detention;
  - b) enjoy inviolability for all papers and documents and records in whatever form including computer generated documents;
  - c) be accorded the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
  - d) be accorded the same protection and repatriation facilities with respect to themselves, their spouses and dependant relatives and other members of the family as are accorded in time of international crises or national emergencies to diplomatic envoys;
  - e) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
  - f) for the purposes of communicating with the Commission, have the right to receive papers and correspondence by courier or in sealed bags; and
  - g) enjoy the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.



2. Visa modalities for this category of personnel shall be issued expeditiously on production of relevant documentation for the purposes of identifying the applicant. This shall not imply exemption from the obligation to satisfy any quarantine or health regulations in force on the territory of the Federal Democratic Republic of Ethiopia.

### **ARTICLE 18 TAXES PAYABLE BY THE AU**

1. The AU, its assets, income and other property shall be exempt from all forms of direct taxes and shall enjoy tax, duty and other related exemption and privileges in accordance with Section B, Article III of the General Convention, provided however, that such exemption shall not extend to the owner or lessor of any property rented by the AU and that the AU shall not claim exemption from taxes which are no more than charges for public utility services.

2. The AU shall be exempt from customs duty, and other taxes on all materials, equipment, articles, vehicles, publications and supplies imported or exported by the AU for its official use.

3. Imported goods benefiting from these exemptions shall be disposed in accordance with conditions no less favourable than those extended to other international organisations in the Federal Democratic Republic of Ethiopia.

4. While the AU agrees that it shall not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property, separate arrangements should be made when the AU is making important purchases of property for official use.

### **ARTICLE 19 FINANCIAL FACILITIES**

1. Without being restricted by financial controls, regulations or moratoria of any kind, the AU may receive, purchase, hold and transfer funds or currencies of any kind and operate bank and similar accounts in any currency as accorded to other international organizations of similar status.

2. The officials and other employees of the Commission shall be accorded, in respect of currency or exchange regulations, the same facilities as are accorded to other international personnel as well as to diplomatic personnel of comparable rank.



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**ARTICLE 20**  
**SOCIAL SECURITY AND PENSION FUND**

The AU shall be exempt from all compulsory contributions to, and officials of the AU shall not be required by the Government to participate, in any social security scheme of the Federal Democratic Republic of Ethiopia.

**ARTICLE 21**  
**WAIVER OF IMMUNITIES**

1. The immunities and privileges granted to the Chairperson, the Deputy Chairperson, the Commissioners and other Officials and Staff are in the interest of the Commission and the need and recognition of its independence and not for their personal interests and gain.

2. In the event that a staff member or elected official is alleged to have breached the said privileges or immunities, before any action can be undertaken or remedy sought, such breach shall be reported in writing to the Chairperson or his or her duly authorised representative.

3. On receipt of a request to lift immunity, the Chairperson shall, in accordance with the Staff Rules and Regulations, if in his opinion it is in the interest of justice to do so, waive the immunity granted to an official or an employee.

4. In the case the allegation of a breach is made against the Chairperson, or the Deputy Chairperson, a written request for the lifting of immunity shall be addressed to the Chairperson of the Assembly who, in consultation with the Bureau of the Assembly, if he or she is of the opinion that it is in the interest of justice to do so, shall have the right to waive immunity.

5. In the case the allegation of a breach is made against a Commissioner, a written request for the lifting of immunity shall be addressed to the Chairperson of the Executive Council (through the Chairperson of the Commission) who, in consultation with the Bureau of the Executive Council, if he or she is of the opinion that it is in the interest of justice to do so, shall waive immunity.

6. No personal arrest, detention, search, prohibition of movement and or immigration restriction, alien registration, finger printing, violability of premises, residence, chattel or vessel shall be effected against any category of persons mentioned in Articles 13-18 prior to written grant of waiver from the Chairperson or the Chairperson of the Executive Council as the case may be.



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**ARTICLE 22**  
**CO-OPERATION BETWEEN THE AU AND THE GOVERNMENT**

1. The Commission shall co-operate, with the appropriate Ethiopian Authorities, whether national, local or other authorities to facilitate the observance of the privileges and immunities granted in the interest of the Commission's functions and in accordance with this Agreement.

2. Whenever the Government considers that an abuse of a privilege or immunity conferred by this Agreement has occurred, the Government shall, in writing, inform the Chairperson or his or her duly authorised representative of the abuse, and the Chairperson or the duly authorised representative shall consult with the appropriate Ethiopian Authorities to agree on what actions are necessary to deal with such an occurrence.

**ARTICLE 23**  
**OBLIGATION TO DEAL WITH BREACHES OF IMMUNITIES  
OR PRIVILEGES**

1. The Government and the AU acknowledge their respective obligations to ensure that their officials, agents and or employees at all times abide by and observe, the provisions of this Agreement.

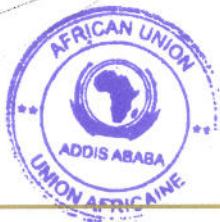
2. The Government and the AU, undertake to inform each other, in writing about details of any alleged breach of privileges and immunities provided for in this Agreement and where such allegation is substantiated, the party in breach shall undertake in writing to remedy the breach and notify the other party in writing the measure or measures taken or proposed to be taken to remedy the breach and to prevent further breach.

**ARTICLE 24**  
**APPLICATION**

1. The provisions of the General Convention and of this Agreement shall, where they relate to the same subject matter, be treated wherever possible as complementary, so that the provisions of both shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this Agreement shall prevail.

2. The Government and the AU may enter into such supplementary agreement as may be necessary to fulfil the purposes of this Agreement.

3. The provisions of this and any supplementary agreement shall be interpreted and applied in the light of its or their primary purpose to enable the AU to discharge its responsibilities and to fulfill its objectives fully and effectively.



A handwritten signature in black ink, consisting of a stylized, cursive letter 'Z' or similar character.

## ARTICLE 25 SETTLEMENT OF DISPUTES

1. Any dispute between the AU and the Government arising out of or relating to this Agreement shall be settled amicably by negotiation or other agreed mode of settlement, failing which such dispute shall be submitted to an Arbitral Tribunal at the request of either Party. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the Chairperson of the Tribunal. All decisions of the arbitrators shall require a vote of two of them and shall be binding on the Parties.

2. The arbitrators shall fix the procedure of the arbitration and the expenses of the arbitration shall be borne by the Parties as assessed by the arbitrators. The arbitral award shall contain a statement of the reasons on which it is based and shall be accepted by the Parties as the final adjudication of the dispute.

3. The Commission shall make provisions for appropriate modes of settlement of:

- (a) Disputes arising out of contracts and other disputes of a private law character to which the Commission is a party.
- (b) Disputes involving an official of the Commission who, by reason of his or her official position, enjoys immunity, if such immunity has not been waived.
- (c) In this regard, the parties shall set up as soon as possible an Implementation Committee composed of designated officials from the Ministry of Foreign Affairs and the AU Commission, with a mandate to consider and advise on the implementation of this Agreement and the resolution of any problems or disputes.

## ARTICLE 26 AMENDMENTS

1. The AU and the Government shall, through consultation and negotiation, settle any relevant matter for which no provision is made in this Agreement. Each Party shall give full consideration to any proposal advanced by the other Party under this Article.

2. The AU and the Government may conclude additional technical annexes, agreements or arrangements to facilitate the hosting of the Commission and these shall form an integral part of this Agreement.



3. Consultations and negotiations with a view to amending or revising this Agreement may be held at the request of either Party. Amendments or revision shall be made by joint written agreement between the AU and the Government.

### ARTICLE 27 ENTRY INTO FORCE AND TERMINATION

1. This Agreement shall enter into force upon its signature by the duly authorized representatives of the Government and the AU.

2. This Agreement and any supplementary agreement entered into by the Government and the AU within the scope of its terms of reference, shall cease to be in force six (6) months after either of the parties shall have given notice in writing to the other of its decision to terminate the Agreement and any other supplementary agreement, except, as regards the provisions which may apply to the normal cessation of the activities of the AU in the territory of the Federal Democratic Republic of Ethiopia and the disposal of its property.

DONE in the English language, in duplicate, at Addis Ababa, Federal Democratic Republic of Ethiopia on the 25<sup>th</sup> day of April Two Thousand and Eight.

For the African Union:



Alpha Oumar Konaré  
Chairperson of the  
AU Commission

For the Government of the Federal  
Democratic Republic of Ethiopia:



Seyoum Mesfin  
Minister of Foreign Affairs,  
The Federal Democratic Republic of Ethiopia

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African Union Commission

Legal Counsel

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2008-04-25

# Agreement between the African Union and the Federal Democratic Republic of Ethiopia on the headquarters of the African Union

Konare, Alpha Oumar

African Union Commission

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