

No. 30005

**UNITED NATIONS
and
MOZAMBIQUE**

**Agreement on the status of the United Nations Operation in
Mozambique. Signed at New York on 14 May 1993**

Authentic texts: English and Portuguese.

Registered ex officio on 14 May 1993.

**ORGANISATION DES NATIONS UNIES
et
MOZAMBIQUE**

**Accord relatif au statut de l'Opération des Nations Unies au
Mozambique. Signé à New York le 14 mai 1993**

Textes authentiques : anglais et portugais.

Enregistré d'office le 14 mai 1993.

AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF MOZAMBIQUE ON THE STATUS OF THE UNITED NATIONS OPERATION IN MOZAMBIQUE

I. DEFINITIONS

1. For the purpose of the present Agreement the following definitions shall apply:

(a) “ONUMOZ” means the United Nations Operation in Mozambique established pursuant to Security Council resolution 797 (1992)² of 16 December 1992, in line with the General Peace Agreement for Mozambique, with the terms of reference as described in the report of the Secretary-General of 3 December 1992 (S/24892) which has been approved by the Security Council in the above-mentioned resolution 797 (1992). ONUMOZ shall consist of:

- (i) The “Special Representative” appointed by the Secretary-General. The “Special Representative” shall also mean the interim Special Representative before the former is appointed by the Secretary-General. Any reference to the Special Representative in this Agreement shall, except in paragraph 23, include any member of ONUMOZ to whom he delegates a specified function or authority;
- (ii) A “civilian component” consisting of United Nations Officials and of other persons assigned by the Secretary-General to assist the Special Representative or made available by participating States to serve as part of ONUMOZ;
- (iii) A “military component” consisting of military and special civilian personnel made available by participating States to serve as part of ONUMOZ;

(b) A “Member of ONUMOZ” means any member of the civilian or military component;

(c) “Participating State” means a State contributing personnel to any of the above-mentioned components of ONUMOZ;

(d) “The Government” means the Government of the Republic of Mozambique;

(e) The “Convention” means the Convention on Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946.³

II. APPLICATION OF THE PRESENT AGREEMENT

2. Unless specifically provided otherwise, the provisions of the present Agreement and any obligation undertaken by the Government of Mozambique or any privilege, immunity, facility or concession granted to ONUMOZ or any member thereof apply throughout Mozambique.

¹ Came into force on 14 May 1993 by signature, in accordance with paragraph 55.

² United Nations, *Official Records of the Security Council, Forty-seventh year, Resolutions and Decisions of the Security Council 1992 (S/INF/48)*, p. 108.

³ *Ibid.*, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

III. APPLICATION OF THE CONVENTION

3. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 shall apply to ONUMOZ subject to the provisions specified in the present Agreement.

4. Article II of the Convention, which applies to ONUMOZ, shall also apply to the property, funds and assets of participating States used in connection with ONUMOZ.

IV. STATUS OF ONUMOZ

5. ONUMOZ and its members shall refrain from any action or activity incompatible with the impartial and international nature of their duties or inconsistent with the spirit of the present arrangements and the General Peace Agreement. ONUMOZ and its members shall respect all local laws and regulations. The Special Representative shall take all appropriate measures to ensure the observance of those obligations.

6. The Government undertakes to respect the exclusively international nature of ONUMOZ.

United Nations flag and vehicle markings

7. The Government recognizes the right of ONUMOZ to display within Mozambique the United Nations flag on its headquarters, camps or other premises, vehicles, vessels and otherwise as decided by the Special Representative. Other flags or pennants may be displayed only in exceptional cases in accordance with conditions prescribed by the Special Representative in consultation with the Government of Mozambique.

8. Vehicles, vessels and aircraft of ONUMOZ shall normally be painted in white and carry a distinctive United Nations identification, which shall be notified to the Government.

Communications

9. ONUMOZ shall enjoy in the territory of Mozambique for its official communications, treatment not less favourable than that accorded by the Government to any other government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations. ONUMOZ shall have the right to use codes and to despatch and receive its correspondence by courier or in bags which shall have the same immunities and privileges as diplomatic couriers and bags.

10. Subject to the provisions of paragraph 9:

(a) ONUMOZ shall have the right to install and operate radio sending and receiving stations as well as satellite systems to connect appropriate points within the territory of Mozambique with each other and with United Nations offices at Headquarters and in other countries and to exchange freely traffic with the United Nations global telecommunications network in consultation and in accordance with arrangements made with the Government. The telecommunication services shall be

operated in accordance with the International Telecommunication Convention¹ and Regulations and the frequencies on which any such station may be operated shall be decided upon in co-operation with the Government and shall be communicated by the United Nations to the International Frequency Registration Board with a notification to the Government;

(b) ONUMOZ shall enjoy, within the territory of Mozambique, the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, telegraph, facsimile or any other means and to establish the necessary facilities for maintaining such communications within and between premises of ONUMOZ, including the laying of cables and land lines and the establishment of fixed and mobile radio sending, receiving and repeater stations in consultation and in accordance with arrangements made with the Government. For each separate network, the United Nations shall notify the Government the following information: the name of the person in charge of the network; technical specification of the equipment; brand and serial number of the equipment, and map showing the sites where the stations are located. The frequencies on which the radio will operate shall be decided upon in co-operation with the Government. It is understood that all the connections of the above-mentioned systems with the local system of telegraphs, telex and telephones may be made only after approval by the Government, it being further understood that the use of the local system of telegraphs, telex and telephones will be charged at the most favourable prevailing rates in the country. All satellite connections through INTELSAT and INMARSAT systems shall be in accordance with the procedures required by INTELSAT and INMARSAT;

(c) ONUMOZ may make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of ONUMOZ. The mail bags will bear identification tags labelled UNITED NATIONS with an identification of its diplomatic character. The Government shall be informed of the nature of such arrangements and shall not interfere with or apply censorship to the mail of ONUMOZ or its members. In the event that postal arrangements applying to private mail of members of ONUMOZ are extended to transfer of currency or the transport of packages and parcels, the conditions under which such operations are conducted shall be agreed with the Government.

Travel and transport

11. ONUMOZ and its members shall enjoy, together with its vehicles, vessels, aircraft and equipment, unrestricted freedom of movement throughout Mozambique. To this end, in addition to the military facilities which the Government may consent to make available to it, ONUMOZ shall normally utilize the aerodromes and public airfields commonly used in public air transport. That freedom shall, with respect to large movements of personnel, stores or vehicles through airports or on railways or roads used for general traffic within Mozambique, be co-ordinated with the Government. Such movements shall be co-ordinated in a timely manner with the competent Government authorities. ONUMOZ shall take measures to ensure that such movements shall as far as possible minimize the disruption of the normal operations of such facilities. The Government undertakes to supply ONUMOZ, where necessary, with maps and other information, including locations of mine fields and other dangers and impediments, which may be useful in facilitating its movements.

¹ United Nations, *Treaty Series*, vol. 1209, p. 31.

12. Vehicles, including all military vehicles, vessels and aircraft of ONUMOZ shall not be subject to registration or licensing by the Government provided that all such vehicles shall carry the third party insurance required by relevant legislation. ONUMOZ vehicles shall bear United Nations licence plates. For all aircraft, ships and vehicles there shall be no restrictions based on nationality or type of registration. Without prejudice to the status of ONUMOZ, its members and property, ONUMOZ shall communicate to the Government data related to particulars of its vehicles, aircraft, vessels and their crews. In carrying out its mission, ONUMOZ shall be entitled to engage any local or foreign air operator and use any aircraft including foreign registered aircraft for its operations. In this context and without prejudice in any way whatsoever to the unrestricted freedom of movement provided for in paragraph 11 of the present Agreement, entry and operation of the aircraft shall, as far as is consistent with such freedom of movement, be in accordance with the Convention¹ on International Civil Aviation, signed at Chicago on 7 December 1944, and its Annexes.

13. ONUMOZ, and those ships and aircraft contracted specifically for the carriage of United Nations personnel, vehicles, equipment, stores, fuel and cargo may use roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls, navigation fees, landing fees, parking fees, wharfage charges or any other charges. However, ONUMOZ will not claim exemption from charges which are in fact charges for services rendered.

Privileges and immunities of ONUMOZ

14. ONUMOZ, as a subsidiary organ of the United Nations, enjoys the status, privileges and immunities of the United Nations as provided for in the present Agreement. The provision of article II of the Convention which applies to ONUMOZ shall also apply to the property, funds and assets of participating States used in Mozambique in connection with the national contingents serving in ONUMOZ, as provided for in paragraph 4 of the present Agreement. The Government recognizes the right of ONUMOZ in particular:

(a) To import free of all custom duties, excises, taxes, clearance fees, levies, including any fees based on a percentage of the FOB value of cargo, and any other charges or restrictions imposed by the Government on all types of vehicles, equipment, provisions, supplies and other goods, including all types of fuels, which are for the exclusive and official use of ONUMOZ or for resale in the commissaries provided for hereinafter;

(b) To establish, maintain and operate commissaries at its headquarters, camps and posts for the benefit of the members of ONUMOZ, but not of locally recruited personnel. Such commissaries may provide goods of a consumable nature and other articles to be specified in advance. The Special Representative shall take all necessary measures to prevent abuse of such commissaries and the sale or resale of such goods to persons other than members of ONUMOZ, and he shall give sympathetic consideration to observations or requests of the Government concerning the operation of the commissaries;

(c) To clear ex customs and excise warehouse, free of all custom duties, excises, taxes, clearance fees, levies, including any fees based on a percentage of the

¹United Nations, *Treaty Series*, vol. 15, p. 295. For the texts of the Protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161; vol. 514, p. 209; vol. 740, p. 21; vol. 893, p. 117; vol. 958, p. 217; vol. 1008, p. 213, and vol. 1175, p. 297.