

No. 30768

**UNITED NATIONS
and
UNITED STATES OF AMERICA**

Agreement concerning the provision of assistance on a reimbursable basis in support of the United Nations operation in Somalia (with annex and declaration). Signed at Washington on 4 May 1993, at New York on 6 May 1993 and at Washington on 7 May 1993

Authentic text: English.

Registered ex officio on 1 March 1994.

**ORGANISATION DES NATIONS UNIES
et
ÉTATS-UNIS D'AMÉRIQUE**

Accord relatif à la fourniture d'assistance sur une base remboursable à l'appui de l'opération des Nations Unies en Somalie (avec annexe et déclaration). Signé à Washington le 4 mai 1993, à New York le 6 mai 1993 et à Washington le 7 mai 1993

Texte authentique : anglais.

Enregistré d'office le 1^{er} mars 1994.

AGREEMENT¹ BETWEEN THE DEPARTMENT OF DEFENSE
OF THE UNITED STATES OF AMERICA AND THE UNITED
NATIONS ORGANIZATION CONCERNING THE PROVISION OF
ASSISTANCE ON A REIMBURSABLE BASIS IN SUPPORT OF
THE UNITED NATIONS OPERATION IN SOMALIA

PREAMBLE

The Department of Defense of the United States of America and the United Nations Organization, hereinafter referred to as the Parties,

Noting United Nations Security Council Resolution No. 814 (1993),² which authorizes an expanded mandate for the United Nations Operation in Somalia (UNOSOM) II under Chapter VII of the Charter of the United Nations and which requests the Secretary General to provide humanitarian and other assistance to the people of Somalia in rehabilitating their political institutions and economy and promoting political settlement and national reconciliation;

On the part of the Department of Defense of the United States of America, acting under the authority of section 607 of the Foreign Assistance Act of 1961;

Desiring to establish the terms and conditions for the provision of assistance by the Department of Defense of the United States of America at the request of the United Nations Organization in support of the UNOSOM II, with all costs for United Nations Organization requested assistance to be reimbursed to the Department of Defense of the United States by the United Nations Organization;

Have agreed as follows:

ARTICLE I
SCOPE OF PROVISION OF SUPPORT

1. In order to carry out the United Nations Operation in Somalia, and in accordance with the terms of this Agreement, the Department of Defense of the United States of America may, at the request of the United Nations, provide to United Nations Headquarters, New York, and to United Nations Forces operating in UNOSOM II, to the extent it is available, the following types of assistance on a reimbursable basis:

¹ Came into force on 7 May 1993 upon signature by the Department of Defense of the United States of America on the Annex to the Agreement, in accordance with the annexed declaration.

² United Nations, *Official Records of the Security Council, Forty-ninth Year, Resolutions and Decisions of the Security Council (S/INF/49)*, p. 80.

- (a) Transportation services;
- (b) Clothing, billeting, rations, and other subsistence items;
- (c) Vehicles, equipment, and other major end items, spare parts, maintenance and repair services, fuel, and petroleum supplies;
- (d) Operational supplies and services, including ammunition;
- (e) Contractual supplies and services;
- (f) Communication services;
- (g) Training services;
- (h) Special information processing, services, and equipment;
- (i) Other incidental supplies and services, including medical supplies and facilities and the disposal of hazardous wastes.

2. As agreed to by the Parties in writing, other types of assistance may be provided on a reimbursable basis in accordance with this Agreement.

3. Assistance provided by the Department of Defense of the United States of America under this Agreement may be provided to the United Nations Organization in support of UNOSOM II directly from United States Department of Defense resources or indirectly through contractor-acquired support. Contracting for such support by the United States Department of Defense shall be in accordance with the laws and regulations of the United States of America.

ARTICLE II SUPPORT PROCEDURES AND REQUIREMENTS

1. Unless the written consent of the United States Government has first been obtained, the United Nations Organization shall not:

- (a) permit any use of any assistance provided pursuant to this agreement by anyone not an officer, employee, or agent of the United Nations Organization;
- (b) use or permit the use of any assistance provided pursuant to this agreement for purposes other than to implement the humanitarian mandate in Somalia under applicable United Nations Security Council resolutions or for other authorized missions under the United Nations Charter; or
- (c) transfer or permit any officer, employee, or agent of the United Nations Organization to transfer any assistance provided pursuant to this agreement, by gift, sale, or otherwise.

2. The United Nations Organization shall maintain the security of any assistance provided pursuant to this agreement, and shall

provide it substantially the same degree of security protection afforded by the United States Government.

3. The provision of assistance pursuant to this agreement may be made subject to additional terms and conditions as may be agreed to in individual implementing arrangements, executed in writing between the parties under this agreement.

4. The United Nations Organization shall indemnify the Department of Defense of the United States of America in respect of its military and governmental personnel employed in connection with assistance undertaken under the auspices of this agreement subject to the normal limits of liability applied by the United Nations Organization to its own employees (as reflected in the attached Staff Manual Appendix D)¹ against any and all claims for personal injury, or death arising out of activities related to this Agreement. This indemnification shall be the sole responsibility of the United Nations Organization.

5. The United Nations Organization shall not make any claim against or hold liable the Department of Defense of the United States of America in respect of injuries or death caused by equipment or materials supplied by the Department of Defense of the United States of America. Such claims shall be the sole responsibility of the United Nations Organization.

ARTICLE III EXECUTIVE AGENTS

The Executive Agent for implementing this Agreement for the Department of Defense of the United States of America shall be the United States Central Command. The Executive Agent for implementing this Agreement for the United Nations Organization shall be the Department of Administration and Management of the United Nations Organization.

ARTICLE IV REIMBURSEMENT PROCEDURES

1. All assistance provided by the Department of Defense of the United States of America under this Agreement shall be fully reimbursed by the United Nations Organization within the time specified in paragraph 2 of this Article.

2. The Comptroller of the Department of Defense of the United States of America shall submit bills detailing the costs associated with the provision of assistance under this Agreement. A consolidated bill with supporting documentation shall be submitted to the Department of Administration and Management, Field Operations Division, of the United Nations Organization on a

¹United Nations, *Appendix D to Staff Rules: Rules Governing Compensation in the Event of Death, Injury or Illness Attributable to the Performance of Official Duties on Behalf of the United Nations*, New York, 1966 (ST/SGB/Staff Rules/Appendix D/Rev.1).