

No. 44760

**African Union, Sudan
and
United Nations**

Agreement between the United Nations and the African Union and the Government of Sudan concerning the status of the African Union/United Nations Hybrid Operation in Darfur. Khartoum, 9 February 2008

Entry into force: *9 February 2008 by signature, in accordance with paragraph 62*

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**Union africaine, Soudan
et
Organisation des Nations Unies**

Accord entre l'Organisation des Nations Unies et l'Union africaine et le Gouvernement du Soudan relatif au statut de l'Opération hybride Union africaine-Nations Unies au Darfour. Khartoum, 9 février 2008

Entrée en vigueur : *9 février 2008 par signature, conformément au paragraphe 62*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE UNITED NATIONS AND THE AFRICAN UNION
AND SUDAN
CONCERNING THE STATUS OF THE
AFRICAN UNION/UNITED NATIONS HYBRID OPERATION IN DARFUR**

I. DEFINITIONS

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

(a) “UNAMID” means the African Union/United Nations hybrid operation in Darfur, established in accordance with United Nations Security Council resolution 1769 (2007) of 31 July 2007 and the Communiqué of the 79th Meeting of the African Union Peace and Security Council held on 22 June 2007. UNAMID shall consist of:

(i) the “Joint Special Representative” appointed by the Secretary-General of the United Nations and the Chairperson of the African Union Commission. Any reference to the Joint Special Representative in this Agreement shall, except in paragraph 26, include any member of UNAMID to whom he or she delegates a specified function or authority;

(ii) a “civilian component” consisting of United Nations officials and of other persons assigned by the Secretary-General and African Union officials assigned by the Chairperson of the African Union Commission to assist the Joint Special Representative or made available by participating States to serve as part of UNAMID;

(iii) a “military component” consisting of military and civilian personnel made available to UNAMID by participating States at the request of the Secretary-General and Chairperson of the African Union Commission;

(b) a “member of UNAMID” means the Joint Special Representative of the Secretary-General and Chairperson of the African Union Commission and any member of the civilian or military components;

(c) “the Government” means the Government of the Republic of Sudan;

(d) “the territory” means the territory of the Republic of Sudan;

(e) a “participating State” means a State providing personnel, services, equipment, provisions, supplies, materials and other goods, including spare parts and means of transport, to any of the above-mentioned components of UNAMID;

(f) “the Convention” means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946, to which Sudan is a Party;

- (g) “contractors” means persons, other than members of UNAMID, engaged by the United Nations, including juridical as well as natural persons and their employees and sub-contractors, to perform services for UNAMID and/or to supply equipment, provisions, supplies, materials and other goods, including spare parts and means of transport, in support of UNAMID activities. Such contractors shall not be considered third party beneficiaries to this Agreement;
- (h) “vehicles” means civilian and military vehicles in use by the United Nations and operated by members of UNAMID, participating States or contractors in support of UNAMID activities;
- (i) “vessels” means civilian and military vessels in use by the United Nations and operated by members of UNAMID, participating States or contractors in support of UNAMID activities;
- (j) “aircraft” means civilian and military aircraft in use by the United Nations and operated by members of UNAMID, participating States or contractors in support of UNAMID activities.

II. APPLICATION OF THE PRESENT AGREEMENT

- 2. Unless specifically provided otherwise, the provisions of the present Agreement and any obligation undertaken by the Government or any privilege, immunity, facility or concession granted to UNAMID or any member thereof or to contractors shall apply in Darfur and in other parts of the Sudan including at points of entry and exit at which UNAMID is operating.

III. APPLICATION OF THE CONVENTION

- 3. UNAMID, its property, funds and assets and its members, including the Joint Special Representative, shall enjoy the privileges and immunities specified in the present Agreement as well as those provided for in the Convention.
- 4. Article II of the Convention, which applies to UNAMID, shall also apply to the property, funds and assets of participating States used in connection with UNAMID.

IV. STATUS OF UNAMID

- 5. UNAMID and its members shall act in a manner that is consistent with UNAMID’s mandate as set out in Security Council resolution 1769 (2007) of 31 July 2007 and the Communiqué of the 79th Meeting of the African Union Peace and Security Council held on 22 June 2007 and refrain from any action or activity incompatible with the impartial and international nature of their duties or that is inconsistent with the spirit of the present arrangements. UNAMID and its members shall respect relevant rules and principles of international law as well as all local laws and regulations. The Joint Special Representative shall take all appropriate measures to ensure the observance of these obligations.
- 6. Without prejudice to the mandate of UNAMID and its international status:

(a) The African Union and United Nations shall ensure that UNAMID shall conduct its operation in Sudan with full respect for the principles and rules of the international humanitarian law conventions applicable to the conduct of military personnel. These international conventions include the four Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977 and the UNESCO Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict.

(b) The Government undertakes to treat at all times the military personnel of UNAMID with full respect for the principles and rules of the international conventions applicable to the treatment of military personnel. These international conventions include the four Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977.

UNAMID and the Government shall ensure accordingly that members of their respective military personnel are fully acquainted with the principles and rules of the above-mentioned international instruments.

7. The Government undertakes to respect the exclusively international nature of UNAMID.

United Nations and African Union flags, markings and identification

8. The Government recognizes the right of UNAMID to display the United Nations and African Union flags on its headquarters, camps or other premises, vehicles, vessels and otherwise as decided by the Joint Special Representative. Other flags or pennants may be displayed only in exceptional cases. In such cases, UNAMID shall give due consideration to observations or requests of the Government.

9. Vehicles, vessels and aircraft of UNAMID shall carry distinctive United Nations identification, which shall be notified to the Government. In addition, vehicles of UNAMID shall carry distinctive UNAMID identification which shall also be notified to the Government.

Communications

10. UNAMID shall enjoy the facilities in respect to communications provided in Article III of the Convention. Issues with respect to communications which may arise and which are not specifically provided for in the present Agreement shall be dealt with pursuant to the relevant provisions of the Convention, the International Telecommunication Convention and applicable regulations in Sudan as promulgated and specifically notified to UNAMID by the Government to the extent that such regulations are not inconsistent with the provisions of either convention.

11. Subject to the provisions of paragraph 10:

(a) UNAMID shall have the right to establish, install and operate United Nations radio stations under its exclusive control to disseminate to the public in Sudan information relating to its mandate. Programmes broadcast on such stations shall be under the exclusive editorial control of UNAMID and shall not be subject to any form of censorship. UNAMID will make the broadcast signal of such stations available to the state broadcaster upon request for further dissemination through the state broadcasting

system. Such United Nations radio stations shall be operated in accordance with the International Telecommunication Convention and Regulations. The frequencies on which such stations may operate shall be decided upon in cooperation and consultation with the Government. If no decision has been reached fifteen (15) working days after the matter has been raised by UNAMID with the Government, the Government shall immediately allocate suitable frequencies for use by such stations. UNAMID shall be exempt from any taxes on and fees for the allocation of frequencies for use by such stations, as well as from any taxes on or fees for their use.

(b) UNAMID shall have the right to disseminate to the public in Sudan information relating to its mandate through official printed materials and publications, which UNAMID may produce itself or through private publishing companies in Sudan. The content of such materials and publications shall be under the exclusive editorial control of UNAMID and shall not be subject to any form of censorship. UNAMID shall however consistent with its mandate seek to respect local cultures, norms and traditions. UNAMID shall be exempt from any prohibitions or restrictions regarding the production or the publication or dissemination of such official materials and publications, including any requirement that permits be obtained or issued for such purposes. This exemption shall also apply to private publishing companies in Sudan which UNAMID may use for the production, publication or dissemination of such materials or publications.

(c) UNAMID shall have the right to install and operate radio sending and receiving stations, as well as satellite systems, in order to connect appropriate points within the territory of Sudan with each other and with United Nations offices in other countries, and to exchange telephone, voice, facsimile and other electronic data with the United Nations global telecommunications network. Such telecommunication services shall be operated in accordance with the International Telecommunication Convention and its Regulations. UNAMID shall also respect Government regulations for the operation of radio sending and receiving stations, as well as satellite systems, as promulgated and specifically notified to UNAMID by the Government, provided that such regulations are not inconsistent with this Agreement or the International Telecommunication Convention and its Regulations and do not interfere with UNAMID's operations and the inviolability of its communications. The frequencies on which such services may operate shall be decided upon in cooperation with the Government. UNAMID shall refrain from using any frequencies allocated to other users within Sudan as specifically notified to UNAMID by the Government or use frequencies other than those allocated to it by the Government. If no decision has been reached fifteen (15) working days after the matter has been raised by UNAMID with the Government, the Government shall immediately allocate suitable frequencies to UNAMID for this purpose. UNAMID shall be exempt from any taxes on and fees for the allocation of frequencies for this purpose, as well as from any taxes on or fees for their use. UNAMID shall provide to the Government from time to time updated lists of its communications equipment.

(d) UNAMID shall enjoy, within the territory of Sudan, the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, electronic mail, facsimile or any other means, and of establishing the necessary facilities for maintaining such communications within and between premises of UNAMID,