

No. 49605

**United Nations
and
Somalia**

Agreement between the United Nations and the Transitional Federal Government of Somalia concerning the status of the United Nations Political Office for Somalia. Mogadishu, 24 January 2012

Entry into force: *24 January 2012 by signature, in accordance with article XI*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *ex officio, 8 May 2012*

**Organisation des Nations Unies
et
Somalie**

Accord entre l'Organisation des Nations Unies et le Gouvernement fédéral de transition de la Somalie concernant le statut du Bureau politique des Nations Unies pour la Somalie. Mogadiscio, 24 janvier 2012

Entrée en vigueur : *24 janvier 2012 par signature, conformément à l'article XI*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *d'office, 8 mai 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE UNITED NATIONS AND
THE TRANSITIONAL FEDERAL GOVERNMENT OF SOMALIA
CONCERNING THE STATUS OF THE
UNITED NATIONS POLITICAL OFFICE FOR SOMALIA**

I. DEFINITIONS

1. For the purpose of the present Agreement the following definitions shall apply:
 - (a) “UNPOS” means the United Nations Political Office in Somalia, the establishment of which was first endorsed by the Security Council in its Presidential Statement S/PRST/1995/15 of 6 April 1995;
 - (b) “Special Representative” means the Special Representative for Somalia appointed by the Secretary-General of the United Nations. Any reference to the Special Representative in this Agreement shall, except in paragraph 24, include any member of UNPOS to whom he or she delegates a specified function or authority. It shall also include, including in paragraph 24, any member of UNPOS whom the Secretary-General may designate as acting Head of Office of UNPOS following the death or resignation of the Special Representative;
 - (c) “member of UNPOS” means:
 - (i) the Special Representative;
 - (ii) officials of the United Nations assigned to serve with UNPOS, including those recruited locally;
 - (iii) United Nations Volunteers assigned to serve with UNPOS;
 - (iv) other persons assigned to perform missions for UNPOS, including United Nations civilian police advisers and United Nations military advisers;
 - (d) “the Government” means the Transitional Federal Government of Somalia or any successor Government of Somalia;
 - (e) “the territory” means the territory of Somalia;
 - (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 Somalia is a Party;

(g) “contractors” means persons, other than members of UNPOS, engaged by the United Nations, including juridical as well as natural persons and their employees and sub-contractors, to perform services for UNPOS or to supply equipment, provisions, supplies, fuel, materials and other goods, including spare parts and means of transport, in support of UNPOS activities. Such contractors shall not be considered third party beneficiaries to this Agreement;

(h) “vehicles” means vehicles in use by the United Nations and operated by members of UNPOS or contractors in support of UNPOS activities;

(i) “aircraft” means aircraft in use by the United Nations and operated by members of UNPOS or contractors in support of UNPOS activities.

(j) “vessels” means vessels in use by the United Nations and operated by members of UNPOS or contractors in support of UNPOS 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 and any privilege, immunity, exemption, facility or concession granted to UNPOS or to any member of UNPOS or to its contractors shall apply in Somalia only.

III. APPLICATION OF THE CONVENTION

3. UNPOS, its property, funds and assets and its members shall enjoy the privileges and immunities, exemptions and facilities specified in the present Agreement, as well as those provided for in the Convention.

IV. STATUS OF UNPOS

4. UNPOS 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 Agreement. UNPOS and its members shall respect all local laws and regulations. The Special Representative shall take all appropriate measures to ensure the observance of these obligations.

5. The Government undertakes to respect the exclusively international nature of UNPOS.

United Nations flag, markings and identification

6. The Government recognizes the right of UNPOS to display the United Nations flag on its headquarters and other premises, on its vehicles and otherwise as decided by the Special Representative.
7. Vehicles and aircraft of UNPOS shall carry a distinctive United Nations identification, which shall be notified to the Government.

Communications

8. UNPOS shall enjoy the facilities in respect of communications that are provided for 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.
9. Subject to the provisions of paragraph 8:
 - (a) UNPOS shall have the right to install and to operate radio sending, receiving and repeater stations, as well as satellite systems, in order to connect appropriate points within the territory of Somalia 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 Regulations. The frequencies on which such services may operate shall be decided upon in cooperation with the Government and shall be allocated expeditiously by the Government. UNPOS shall be exempt from any and all taxes on, and from any and all fees for, the allocation of frequencies for this purpose, as well as from any and all taxes on, and all fees for, their use. However, UNPOS will not claim exemption from fees which are in fact no more than charges for services rendered, it being understood that such charges shall be charged at the most favourable rate.
 - (b) UNPOS shall enjoy, within the territory of Somalia, 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 UNPOS, including the laying of cables and land lines and the establishment of fixed and mobile radio sending, receiving and repeater stations. The frequencies on which the radio may operate and the areas of land on which sending, receiving and repeater stations may be erected shall be decided upon in cooperation with the Government and shall be allocated expeditiously. UNPOS shall be exempt from any and all taxes on, and from any and all fees for, the allocation of frequencies for this purpose, as well as from all taxes on, and all fees for, their use. However, UNPOS will not claim exemption from fees which are in fact no more than charges for services rendered, it being understood that such

charges shall be charged at the most favourable rate. Connections with local telephone and electronic data systems may be made only after consultation and in accordance with arrangements made with the Government. Use of those local systems by UNPOS shall be charged at the most favourable rate.

(c) UNPOS may make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of UNPOS. The Government shall be informed of the nature of such arrangements and shall not interfere with or apply censorship to the mail of UNPOS or its members. In the event that postal arrangements applying to private mail of members of UNPOS 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

10. UNPOS, its members and contractors, together with their property, equipment, provisions, supplies, fuel, materials and other goods, including spare parts, as well as vehicles, aircraft and vessels, including the vehicles, aircraft and vessels of contractors used exclusively in the performance of services for UNPOS, shall enjoy full freedom of movement without delay throughout Somalia by the most direct route possible for the purpose of executing the tasks defined in UNPOS's mandate. The Government shall, where necessary, provide UNPOS with maps and other information, where available, including maps of and information on the location of minefields and other dangers and impediments, which may be useful in facilitating UNPOS's movements and ensuring the safety and security of its members.

11. Vehicles and aircraft shall not be subject to registration or licensing by the Government, it being understood that copies of all relevant certificates issued by appropriate authorities in other States in respect of aircraft shall be provided by UNPOS to the Civil Aviation Authority of Somalia and that all vehicles, aircraft and vessels shall carry third party insurance.

12. UNPOS and its members and contractors, as well as vehicles, aircraft and vessels, including vehicles, aircraft and vessels of its contractors used exclusively in the performance of services for UNPOS, may use roads, bridges, airfields and airspace, and port facilities without the payment of any form of monetary contributions, dues, tolls, user fees or charges, including airport taxes, landing fees, parking fees, overflight fees, port fees or charges, including wharfage charges. However, UNPOS will not claim exemption from charges which are in fact charges for services rendered, it being understood that such charges shall be charged at the most favourable rates.