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**United Nations
and
South Sudan**

Agreement between the United Nations and the Government of the Republic of South Sudan concerning the status of the United Nations Interim Security Force for Abyei. New York, 20 November 2012

Entry into force: *20 November 2012 by signature, in accordance with paragraph 62*

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**Organisation des Nations Unies
et
Soudan du Sud**

Accord entre l'Organisation des Nations Unies et le Gouvernement de la République du Soudan du Sud relatif au status de la Force intérimaire de sécurité des Nations Unies pour Abyei. New York, 20 novembre 2012

Entrée en vigueur : *20 novembre 2012 par signature, conformément au paragraphe 62*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE UNITED NATIONS AND
THE GOVERNMENT OF THE REPUBLIC OF SOUTH SUDAN
CONCERNING THE STATUS OF THE
UNITED NATIONS INTERIM SECURITY FORCE FOR ABYEI**

I. DEFINITIONS

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

(a) “UNISFA” means the United Nations Interim Security Force for Abyei (UNISFA), established by the Security Council in its resolution 1990 (2011) of 27 June 2011 pursuant to the request contained in the Agreement between the Government of the Republic of Sudan and the Sudan People’s Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area concluded at Addis Ababa, Ethiopia, on 20 June 2011 and which has its mandate as set forth in that resolution pursuant to that Agreement, and further expanded pursuant to Security Council resolution 2024 (2011), dated 14 December 2011, to include tasks requested in the Agreement between Government of Sudan and the Government of South Sudan on the Border Monitoring Support Mission, dated 30 July 2011. UNISFA shall consist of:

(i) the “Force Commander (Head of UNISFA)” appointed by the Secretary-General of the United Nations. Any reference to the Force Commander (Head of UNISFA) in this Agreement shall, except in paragraph 26, include any member of UNISFA to whom he or she delegates a specified function or authority;

(ii) a “civilian element” consisting of United Nations officials and of other persons assigned by the Secretary-General to assist the Force Commander (Head of UNISFA) in the implementation of UNISFA’s mandate or made available by participating States to serve as part of UNISFA;

(iii) a “military element” consisting of military personnel made available to UNISFA by participating States at the request of the Secretary-General;

(b) a “member of UNISFA” means the Force Commander (Head of UNISFA) and any member of the civilian or military elements;

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

- (d) “the Area” means the Abyei Area as defined by the Permanent Court of Arbitration;
- (e) “Area of Operation” means the Abyei Area as well as the Safe Demilitarized Border Zone (SDBZ) referred to in the Agreement on the Border Monitoring Support Mission between the Government of Sudan and the Government of South Sudan concluded at Addis, Ababa, Ethiopia, on 30 July 2011;
- (f) “Mission Area” means the Area of Operation and such locations in Sudan and South Sudan where UNISFA shall have established liaison offices, border mechanism sector headquarters and team sites, or logistic bases to support mandated activities in both countries;
- (g) 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 elements of UNISFA. It is understood that pursuant to the Agreement between the Government of the Republic of Sudan and the Sudan People’s Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area concluded at Addis Ababa, Ethiopia, on 20 June 2011, military contingent personnel shall be provided by the Government of Ethiopia;
- (h) “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 the Republic of South Sudan intends to become a party;
- (i) “Contractors” means persons, other than members of UNISFA, engaged by the United Nations, including juridical as well as natural persons and their employees and sub-contractors, to perform services for UNISFA and/or to supply equipment, provisions, supplies, materials and other goods, including spare parts and means of transport, in support of UNISFA activities. Such Contractors shall not be considered third party beneficiaries to this Agreement;
- (j) “vehicles” means civilian and military vehicles in use by the United Nations and operated by members of UNISFA, participating States or Contractors in support of UNISFA activities;
- (k) “vessels” means civilian and military vessels in use by the United Nations and operated by members of UNISFA, participating States or Contractors in support of UNISFA activities;

- (l) “aircraft” means civilian and military aircraft in use by the United Nations and operated by members of UNISFA, participating States or Contractors in support of UNISFA 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 UNISFA or any member thereof or to Contractors shall apply in the Area and, as necessary for the fulfillment of its activities related to its mandate, elsewhere in South Sudan.

III. APPLICATION OF THE CONVENTION

3. UNISFA, its property, funds and assets and its members, including the Force Commander (Head of UNISFA), 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 UNISFA, shall also apply to the property, funds and assets of participating States used in connection with UNISFA.

IV. STATUS OF UNISFA

5. UNISFA 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. UNISFA and its members shall respect all local laws and regulations and shall refrain from any conduct that is offensive to local customs and values. The Force Commander (Head of UNISFA) shall take all appropriate measures to ensure the observance of these obligations.
6. Without prejudice to the mandate of UNISFA and its international status:
- (a) the United Nations shall ensure that UNISFA shall conduct its operations with full respect for the principles and rules of the international 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 UNISFA 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.

UNISFA and the Government shall accordingly ensure 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 international nature of UNISFA.

United Nations flag, markings and identification

8. The Government recognizes the right of UNISFA to display within the Area the United Nations flag on its headquarters, camps or other premises, vehicles, vessels and otherwise as decided by the Force Commander (Head of UNISFA). Other flags or pennants may be displayed only in exceptional cases in consultation with the Government.

9. Vehicles, vessels and aircraft of UNISFA shall carry a distinctive UNISFA and/or United Nations identification, which shall be notified to the Government.

Communications

10. UNISFA 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 Telecommunications Convention and applicable national regulations consistent therewith as promulgated and specifically notified to UNISFA by the Government.

11. Subject to the provisions of paragraph 10:

(a) UNISFA shall have the right to disseminate information in the Mission Area in the Mission Area through official printed materials and publications relating to its mandated activities in support of the implementation of the 20 June and 30 July 2011 Agreements.

(b) UNISFA 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 Area of Operations with each other and with United Nations offices in Sudan, South Sudan and in other countries, and to exchange telephone,