

No. 8131

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**UNITED NATIONS  
and  
AUSTRIA**

**Exchange of letters (with annexes) constituting an agreement concerning the service with the United Nations Peace-Keeping Force in Cyprus of the national contingent provided by the Government of Austria. New York, 21 and 24 February 1966**

*Official text: English.*

*Registered ex officio on 28 February 1966.*

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**ORGANISATION DES NATIONS UNIES  
et  
AUTRICHE**

**Échange de lettres (avec annexes) constituant un accord relatif à l'affectation à la Force des Nations Unies chargée du maintien de la paix à Chypre du contingent national fourni par le Gouvernement autrichien. New York, 21 et 24 février 1966**

*Texte officiel anglais.*

*Enregistré d'office le 28 février 1966.*

No. 8131. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED NATIONS AND AUSTRIA CONCERNING THE SERVICE WITH THE UNITED NATIONS PEACE-KEEPING FORCE IN CYPRUS OF THE NATIONAL CONTINGENT PROVIDED BY THE GOVERNMENT OF AUSTRIA. NEW YORK, 21 AND 24 FEBRUARY 1966

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I

*Letter from the Secretary-General of the United Nations to the Permanent Representative of Austria to the United Nations*

UNITED NATIONS  
EXECUTIVE OFFICE OF THE SECRETARY-GENERAL  
NEW YORK

PO 210 CYPR (2)

21 February 1966

Sir,

1. I have the honour to refer to the resolution adopted by the Security Council on 4 March 1964 (S/5575)<sup>2</sup> by which it *inter alia* :

“ *Recommends* the creation, with the consent of the Government of Cyprus, of a United Nations peace-keeping force in Cyprus. The composition and size of the force shall be established by the Secretary-General, in consultation with the Governments of Cyprus, Greece, Turkey and the United Kingdom. The commander of the force shall be appointed by the Secretary-General and report to him. The Secretary-General, who shall keep the Governments providing the force fully informed, shall report periodically to the Security Council on its operation;

“ *Recommends* that the function of the force should be, in the interest of preserving international peace and security, to use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions;

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<sup>1</sup> Came into force on 28 February 1966, the date of receipt by the United Nations of the letter in reply.

<sup>2</sup> United Nations, *Official Records of the Security Council, Nineteenth Year, Resolutions and Decisions of the Security Council, 1964* (S/INF/19.Rev. 1), p. 2.

“ *Recommends* that the stationing of the force shall be for a period of three months, all costs pertaining to it being met, in a manner to be agreed upon by them, by the Governments providing the contingents and by the Government of Cyprus. The Secretary-General may also accept voluntary contributions for that purpose; ”.

Subsequent resolutions of the Security Council have extended the mandate of the force for successive periods.

2. Pursuant to the resolution of 4 March 1964 the United Nations Force in Cyprus was established operationally on 27 March 1964. By an exchange of letters dated 31 March 1964<sup>1</sup> an Agreement (S/5634) was concluded with the Republic of Cyprus concerning the Status of the Force. Regulations (ST/SGB/UNFICYP/1) for the Force have been issued on 25 April 1964. Copies of these documents are attached as Annex I<sup>2</sup> and Annex II<sup>2</sup> respectively.

3. I wish to express my appreciation to your Government for making available contingents to serve with the United Nations Force in Cyprus. I should like to take this opportunity to bring to your attention the following considerations relating to the Force, and to propose the conclusion herewith of an agreement concerning the services of your contingents with the Force.

4. The Regulations referred to above affirm the international character of the Force as a subsidiary organ of the United Nations and define the conditions of service for the members of the Force. Contingents provided for the Force serve under these Regulations.

5. The Regulations and the Agreement referred to in paragraph 2 of this letter also secure to the Force and its individual members the privileges and immunities necessary for the independent exercise of its functions. I should like to direct your attention to the provisions of the Regulations and of the Agreement which provide these privileges and immunities and particularly to article 29 of the Regulations and to paragraphs 10, 11 and 12 of my letter to the Minister of Foreign Affairs of Cyprus. It will be noted that paragraph 11 of this letter states that “Members of the Force shall be subject to the exclusive jurisdiction of their respective national States in respect of any criminal offences which may be committed by them in Cyprus”. This immunity from the jurisdiction of Cyprus is based on the understanding that the authorities of the participating States would exercise such jurisdiction as might be necessary with respect to crimes or offences committed in Cyprus by any members of the Force provided by them. It is assumed that the participating States will act accordingly.

<sup>1</sup> United Nations, *Treaty Series*, Vol. 492, p. 57.

<sup>2</sup> See p. 138 of this volume.

6. I should also like to direct your attention to article 2 of the Regulations concerning their authority and to article 13 of the Regulations concerning " Good order and discipline. " These articles provide :

" 2. *Authority of Regulations.* The present Regulations and supplemental instructions and orders issued pursuant thereto shall be binding upon all members of the Force. Contravention thereof shall constitute an offence subject to disciplinary action in accordance with the military laws and regulations applicable to the national contingent to which the offender belongs.

" . . .

" 13. *Good order and discipline.* The Commander shall have general responsibility for the good order and discipline of the Force. He may make investigations, conduct inquiries and require information, reports and consultations for the purpose of discharging this responsibility. Responsibility for disciplinary action in national contingents provided for the Force rests with the commanders of the national contingents. Reports concerning disciplinary action shall be communicated to the Commander who may consult with the commander of the national contingent and, if necessary, through the Secretary-General with the authorities of the Participating State concerned. "

7. In view of the considerations set out in paragraphs 5 and 6 above, I should appreciate your assurance that the commanders of the two contingents (medical and police) provided by your Government will be in a position to exercise the necessary disciplinary authority. I should also appreciate your assurance that your Government will be prepared to exercise firm and effective jurisdiction with respect to any crime or offence punishable under Austrian penal law which might be committed by a member of such contingents in Cyprus and to report to the United Nations in each case on the action taken.

8. The effective functioning of the Force requires that some continuity of service of units with the Force be ensured in order that the Commander may be in a position to plan his operations with knowledge of what units will be available. I should, therefore, appreciate your assurance that the contingents provided by your Government will not be withdrawn without adequate prior notification to the Secretary-General, so as to avoid the impairment of the ability of the Force to discharge its functions. Likewise, should circumstances render the service of your contingents with the Force no longer necessary, the Secretary-General undertakes to consult with your Government and to give adequate prior notification concerning its withdrawal.

9. Reference is also made to articles 11 and 12 of the Regulations which deal with " Command authority " and " chain of command and delegation of authority ". Article 12 provides, *inter alia*, that changes in commanders of

contingents which have been made available by participating Governments should be made in consultation among the Secretary-General, the Force commander, and the appropriate authorities of the participating Government.

10. I should also like to refer to article 40 of the Regulations concerning "Observance of Conventions" which provides :

"The force shall observe the principles and spirit of the general international Conventions applicable to the conduct of military personnel."

11. The international Conventions referred to in this Regulation include, inter alia, the Geneva (Red Cross) conventions of 12 August 1949<sup>1</sup> to which your Government is a party and the UNESCO Convention on the Protection of Cultural Property in the event of armed conflict, signed at The Hague on 14 May 1954.<sup>2</sup> In this connexion, and particularly with respect to the humanitarian provisions of these Conventions, it is requested that the Governments of the participating States ensure that the members of their contingents serving with the Force be fully acquainted with the obligations arising under these Conventions and that appropriate steps be taken to ensure their enforcement.

12 (a) Authorities of the participating State will, in accordance with and within their domestic legislation, use their best efforts to bring about settlement of claims and compliance with awards made by a Cypriot court or by the Claims Commission against a member of the contingent of the State with respect to acts committed outside the scope of his official functions.

(b) In addition to the undertaking in subparagraph (a) above, the participating States will, as appropriate, enter into supplementary agreements with the United Nations concerning the settlement of claims arising out of acts committed by a member of their contingent either within or outside the scope of his official functions.

13. Finally, I suggest that questions involving expenses should be dealt with in a supplemental agreement. Such other supplementary arrangements concerning the service of your contingents with the Force may be made as occasion requires.

14. It is the intention that this letter together with your reply accepting the proposals set forth herein shall constitute an agreement between the United Nations and Austria, and shall enter into force on the date that your reply is received by me. It is also intended that it shall remain in force until such time as your contingents may be withdrawn from the Force either in accordance with the terms of paragraph 8 above or in the light of developments affecting

<sup>1</sup> United Nations, *Treaty Series*, Vol. 75, pp. 31, 85, 135 and 287.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 249, p. 215.

the functioning of the Force which may render its service no longer necessary. The provisions of paragraph 15 relating to the settlement of disputes should remain in force until all outstanding claims have been settled.

15. It is also proposed that all disputes between the United Nations and your Government concerning the interpretation or application of this agreement which are not settled by negotiation or other agreed mode of settlement shall be referred for final settlement to a tribunal of three arbitrators. One of the arbitrators shall be appointed by the Secretary-General of the United Nations, one by your Government, and the umpire shall be chosen jointly by the Secretary-General and your Government. If the two parties fail to agree on the appointment of the umpire within one month of the proposal of arbitration by one of the parties, the President of the International Court of Justice shall be asked by either party to appoint the umpire. Should a vacancy occur for any reason, the vacancy shall be filled within thirty days by the method laid down in this paragraph for the original appointment. The tribunal shall come into existence upon the appointment of the umpire and at least one of the other members of the tribunal. Two members of the tribunal shall constitute a quorum for the performance of its functions, and for all deliberations and decisions of the tribunal a favourable vote of two members shall be sufficient.

Accept, Sir, the assurances of my highest consideration.

U THANT  
Secretary-General

The Permanent Representative of Austria  
to the United Nations  
New York, N. Y.

#### ANNEX I

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF THE REPUBLIC OF CYPRUS CONCERNING THE STATUS OF THE UNITED NATIONS PEACE-KEEPING FORCE IN CYPRUS. NEW YORK, 31 MARCH 1964

*[Not published herein; for the text of this annex,  
see United Nations, Treaty Series, Vol. 492, p. 57.]*

#### ANNEX II

REGULATIONS FOR THE UNITED NATIONS FORCE IN CYPRUS

*[For the text of this annex, see United Nations, Treaty Series, Vol. 555, No. 8107.]*

## II

*Reply from the Permanent Representative of Austria to the United Nations to the  
Secretary-General of the United Nations*

AUSTRIAN MISSION TO THE UNITED NATIONS

NEW YORK, N.Y.

No. 130-Res/66

24 February 1966

Sir,

I acknowledge receipt of your letter of February 21st 1966, which reads as follows :

[*See letter I*]

I have the honour to inform you that my government has agreed upon the contents of this text.

Accept, Sir, the assurances of my highest consideration.

Dr. Kurt WALDHEIM  
Ambassador  
Permanent Representative of Austria  
to the United Nations

The Secretary General  
of the United Nations  
New York, N.Y.