

No. 30006

**UNITED NATIONS
and
BOSNIA AND HERZEGOVINA**

**Agreement on the status of the United Nations Protection
Force in Bosnia and Herzegovina. Signed at Sarajevo on
15 May 1993**

Authentic text: English.

Registered ex officio on 15 May 1993.

**ORGANISATION DES NATIONS UNIES
et
BOSNIE-HERZÉGOVINE**

**Accord relatif au statut de la Force de protection des Nations
Unies en Bosnie-Herzégovine. Signé à Sarajevo le 15 mai
1993**

Texte authentique : anglais.

Enregistré d'office le 15 mai 1993.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF BOSNIA AND HERZEGOVINA AND THE UNITED NATIONS ON THE STATUS OF THE UNITED NATIONS PROTECTION FORCE IN BOSNIA AND HERZEGOVINA

I. DEFINITIONS

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

(a) “UNPROFOR” means the United Nations Protection Force established pursuant to Security Council resolution 743² (1992) of 21 February 1992 as enlarged and strengthened pursuant to Security Council resolutions 761³ (1992) dated 29 June 1992, 762⁴ (1992) dated 30 June 1992, 769⁵ (1992) dated 7 August 1992, 776⁶ (1992) dated 14 September 1992, 781⁷ (1992) dated 9 October 1992, 786⁸ (1992) dated 10 November 1992 and 798⁹ (1992) dated 18 December 1992 respectively, consisting of:

- (i) The “Force Commander” appointed by the Secretary-General of the United Nations after consultation with the parties and with the consent of the Security Council. Any reference to the Force Commander in this Agreement shall, except in paragraph 23, include any member of UNPROFOR to whom he delegates a specified function or authority;
- (ii) A “military component” consisting of military and civilian personnel made available by participating States at the request of the Secretary-General;
- (iii) A “police component” consisting of police personnel made available by participating States at the request of the Secretary-General;
- (iv) A “civilian component” consisting of officials of the United Nations;

(b) “Member of UNPROFOR” means any member of the military, police or civilian components but unless specifically stated otherwise does not include locally recruited personnel;

(c) “Participating State” means a State contributing personnel to the military or police component of UNPROFOR;

(d) “The Government” means the Government of the Republic of Bosnia and Herzegovina as admitted to membership in the United Nations by the General Assembly further to the adoption on 20 July 1992 of resolution 46/237;¹⁰

¹ Came into force on 15 May 1993 by signature, in accordance with paragraph 54.

² United Nations, *Official Records of the Security Council*, Forty-seventh year, Resolutions and Decisions of the Security Council 1992 (S/INF/48), p. 8.

³ *Ibid.*, p. 19.

⁴ *Ibid.*, p. 16.

⁵ *Ibid.*, p. 23.

⁶ *Ibid.*, p. 33.

⁷ *Ibid.*, p. 27.

⁸ *Ibid.*, p. 28.

⁹ *Ibid.*, p. 32.

¹⁰ *Ibid.*, *Resolutions and Decisions of the General Assembly, Forty-Sixth Session, Supplement No. 49 A* (A/46/49/Add.1), vol. 2, p. 5.

(e) “The Convention” means the Convention on the Privileges and Immunities of the United Nations¹ adopted by the General Assembly of the United Nations on 13 February 1946;

(f) “Local laws and regulations” means the laws and regulations of the Government of the Republic of Bosnia and Herzegovina or the competent authorities designated for this purpose by the Government of Bosnia and Herzegovina.

II. APPLICATION OF THE PRESENT AGREEMENT

2. Unless specifically provided otherwise, the provisions of the present Agreement and any obligation undertaken by the authorities or any privilege, immunity, facility or concession granted to UNPROFOR or any member thereof apply in Bosnia and Herzegovina.

III. APPLICATION OF THE CONVENTION

3. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 shall apply to UNPROFOR subject to the provisions specified in the present Agreement.

4. Article II of the Convention, which applies to UNPROFOR, shall also apply to the property, funds and assets of participating States used in connection with UNPROFOR.

IV. STATUS OF UNPROFOR

5. UNPROFOR 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. UNPROFOR and its members shall respect all local laws and regulations. The Force Commander shall take all appropriate measures to ensure the observance of those obligations.

6. The Government undertakes to respect the exclusively international nature of UNPROFOR.

United Nations flag and vehicle markings

7. The Government recognize the right of UNPROFOR to display in Bosnia and Herzegovina the United Nations flag on its headquarters, camps or other premises, vehicles, vessels and otherwise as decided by the Force Commander.

8. Vehicles, vessels and aircraft of UNPROFOR shall carry a distinctive United Nations identification, which shall be notified to the Government.

Communications

9. UNPROFOR shall enjoy the facilities in respect to communications provided in article III of the Convention and shall, in co-ordination with the Government, use such facilities as may be required for the performance of its task. 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.

¹ United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

10. Subject to the provisions of paragraph 9:

(a) UNPROFOR shall have authority to install and operate radio sending and receiving stations as well as satellite systems to connect appropriate points in Bosnia and Herzegovina with each other and with United Nations offices in other countries, and to exchange traffic with the United Nations global telecommunications network. The telecommunication services shall be operated in accordance with the International Telecommunication Convention¹ and Regulations and the frequencies on which any such station may be operated shall be decided upon in co-operation with the Government and shall be communicated by the United Nations to the International Frequency Registration Board;

(b) UNPROFOR shall enjoy, in Bosnia and Herzegovina, the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, telegraph, facsimile or any other means, and of establishing the necessary facilities for maintaining such communications within and between premises of UNPROFOR, 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 will operate shall be decided upon in co-operation with the Government. It is understood that connections with the local system of telegraphs, telex and telephones may be made only after consultation and in accordance with arrangements with the Government, it being further understood that the use of the local system of telegraphs, telex and telephones will be charged at the most favourable rate;

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

11. UNPROFOR and its members shall enjoy, together with its vehicles, vessels, aircraft and equipment, freedom of movement throughout Bosnia and Herzegovina. That freedom shall, with respect to large movements of personnel, stores or vehicles through airports or on railways or roads used for general traffic within Bosnia and Herzegovina, be co-ordinated with the Government. The Government undertakes to supply UNPROFOR, where necessary, with maps and other information, including locations of mine fields and other dangers and impediments, which may be useful in facilitating its movements.

12. Vehicles, including all military vehicles, vessels and aircraft of UNPROFOR shall not be subject to registration or licensing by the Government provided that all such vehicles shall carry the third party insurance required by relevant legislation.

¹ United Nations, *Treaty Series*, vol. 1209, p. 31.

13. UNPROFOR may use roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls or charges, including wharfage charges. However, UNPROFOR will not claim exemption from charges which are in fact charges for services rendered.

Privileges and immunities of UNPROFOR

14. UNPROFOR, as a subsidiary organ of the United Nations, enjoys the status, privileges and immunities of the United Nations in accordance with the Convention. The provision of article II of the Convention which applies to UNPROFOR shall also apply to the property, funds and assets of participating States used in Bosnia and Herzegovina in connection with the national contingents serving in UNPROFOR, as provided for in paragraph 4 of the present Agreement. The Government recognizes the right of UNPROFOR in particular:

(a) To import, free of duty or other restrictions, equipment, provisions, supplies and other goods which are for the exclusive and official use of UNPROFOR or for resale in the commissaries provided for hereinafter;

(b) To establish, maintain and operate commissaries at its headquarters, camps and posts for the benefit of the members of UNPROFOR, but not of locally recruited personnel. Such commissaries may provide goods of a consumable nature and other articles to be specified in advance. The Force Commander shall take all necessary measures to prevent abuse of such commissaries and the sale or resale of such goods to persons other than members of UNPROFOR, and he shall give sympathetic consideration to observations or requests of the Government concerning the operation of the commissaries;

(c) To clear ex customs and excise warehouse, free of duty or other restrictions, equipment, provisions, supplies and other goods which are for the exclusive and official use of UNPROFOR or for resale in the commissaries provided for above;

(d) To re-export or otherwise dispose of such equipment, as far as it is still usable, all unconsumed provisions, supplies and other goods so imported or cleared ex customs and excise warehouse which are not transferred, or otherwise disposed of, on terms and conditions to be agreed upon, to the competent local authorities of Bosnia and Herzegovina or to an entity nominated by them. To the end that such importation, clearances, transfer or exportation may be effected with the least possible delay, mutually satisfactory procedures, including documentation, shall be agreed between UNPROFOR and the Government at the earliest possible date.

V. FACILITIES FOR UNPROFOR

Premises required for conducting the operational and administrative activities of UNPROFOR and for accommodating members of UNPROFOR

15. The Government shall provide without cost to UNPROFOR and in agreement with the Force Commander such areas and buildings for headquarters, camps or other premises as may be necessary for the conduct of the operational and administrative activities of UNPROFOR and to the extent possible, for the accommodation of the members of UNPROFOR. Without prejudice to the legal status of all such premises, they shall be inviolable and subject to the exclusive control and authority of the United Nations. Where United Nations troops are co-located with local mil-

itary personnel of Bosnia and Herzegovina, a permanent, direct and immediate access by UNPROFOR to those premises shall be guaranteed.

16. The Government undertakes to assist UNPROFOR in obtaining and making available, where applicable, water, electricity and other facilities free of charge, or, where this is not possible, at the most favorable rate, and in the case of interruption or threatened interruption of service, to give as far as is within its powers the same priority to the needs of UNPROFOR as to essential services. Where such utilities or facilities are not provided free of charge, payment shall be made by UNPROFOR on terms to be agreed with the competent authorities of Bosnia and Herzegovina. UNPROFOR shall be responsible for the maintenance and upkeep of facilities so provided.

17. UNPROFOR shall have the right, where necessary, to generate, within its premises, electricity for its use and to transmit and distribute such electricity.

18. The United Nations alone may consent to the entry of any government official or of any other person not a member of UNPROFOR to such premises.

Provisions, supplies and services, and sanitary arrangements

19. The Government undertakes to make available to UNPROFOR, to the maximum extent, and whenever possible free of charge, facilities and supplies, such as food and fuel, vehicles and other equipment, provisions and other goods and services required for its subsistence and operations. In case of purchases made by UNPROFOR on the local market, UNPROFOR shall, on the basis of observations made and information provided by the Government in that respect, avoid any adverse effect on the local economy. UNPROFOR shall be exempt from general sales taxes in respect of all official purchases in Bosnia and Herzegovina.

20. UNPROFOR and the Government shall co-operate with respect to sanitary services and shall extend to each other the fullest co-operation in matters concerning health, particularly with respect to the control of communicable diseases, in accordance with international conventions.

Recruitment of local personnel

21. UNPROFOR may recruit locally such personnel as it requires. Upon the request of the Force Commander, the Government undertakes to facilitate the recruitment of qualified local staff by UNPROFOR and to accelerate the process of such recruitment.

Currency

22. The Government undertakes to make available to UNPROFOR, against reimbursement in mutually acceptable currency, local currency required for the use of UNPROFOR, including the pay of its members, at the rate of exchange most favourable to UNPROFOR.

VI. STATUS OF THE MEMBERS OF UNPROFOR

Privileges and immunities

23. The Force Commander of UNPROFOR, the Police Commissioner of the Police component, the Director of Civil Affairs of the Civilian component, the Director of Administration of UNPROFOR and such high-ranking members of the Force Commander's staff as may be agreed upon with the Government shall have the

status specified in sections 19 and 27 of the Convention, provided that the privileges and immunities therein referred to shall be those accorded to diplomatic envoys by international law.

24. Members of the United Nations Secretariat assigned to the civilian component to serve with UNPROFOR remain officials of the United Nations entitled to the privileges and immunities of articles V and VII of the Convention.

25. Military observers, police personnel and civilian personnel other than United Nations officials whose names are for the purpose notified to the Government by the Force Commander shall be considered as experts on mission within the meaning of article VI of the Convention.

26. Military personnel of national contingents assigned to the military component of UNPROFOR shall have the privileges and immunities specifically provided for in the present Agreement.

27. Unless otherwise specified in the present Agreement, locally recruited members of UNPROFOR shall enjoy the immunities concerning official acts and exemption from taxation and national service obligations provided for in sections 18 (a), (b) and (c) of the Convention.

28. Members of UNPROFOR shall be exempt from taxation on the pay and emoluments received from the United Nations or from a participating State and any income received from outside Bosnia and Herzegovina. They shall also be exempt from all other direct taxes, except municipal rates for services enjoyed, and from all registration fees and charges.

29. Members of UNPROFOR shall have the right to import free of duty their personal effects in connection with their arrival in Bosnia and Herzegovina. They shall be subject to the laws and regulations of Bosnia and Herzegovina governing customs and foreign exchange with respect to personal property not required by them by reason of their presence in Bosnia and Herzegovina with UNPROFOR. Special facilities will be granted by the Government for the speedy processing of entry and exit formalities for all members of UNPROFOR including the military component, upon prior written notification. On departure from Bosnia and Herzegovina, members of UNPROFOR may, notwithstanding any foreign exchange regulations in force, take with them such funds as the Force Commander certifies were received in pay and emoluments from the United Nations or from a participating State and are a reasonable residue thereof. Special arrangements shall be made for the implementation of the present provisions in the interests of the Government and the members of UNPROFOR. The Force Commander shall co-operate with the Government and shall render all assistance within his power in ensuring the observance of the customs and fiscal laws and regulations of Bosnia and Herzegovina by the members of UNPROFOR, in accordance with the present Agreement.

Entry, residence and departure

30. The Force Commander and members of UNPROFOR shall, whenever so required by the Force Commander, have the right to enter into, reside in and depart from Bosnia and Herzegovina.

31. The Government undertakes to facilitate the entry into and departure from Bosnia and Herzegovina of the Force Commander and members of UNPROFOR and shall be kept informed of such movement. For that purpose, the Force Commander and members of UNPROFOR shall be exempt from passport

and visa regulations and immigration inspection and restrictions on entering into or departing from Bosnia and Herzegovina. They shall also be exempt from any regulations governing the residence of aliens in Bosnia and Herzegovina, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in Bosnia and Herzegovina.

32. For the purpose of such entry or departure, members of UNPROFOR shall only be required to have: (a) an individual or collective movement order issued by or under the authority of the Force Commander or any appropriate authority of a participating State; and (b) a personal identity card issued in accordance with paragraph 33 of the present Agreement, except in the case of first entry, when the personal identity card issued by the appropriate authorities of a participating State shall be accepted in lieu of the said identity card.

Identification

33. The Force Commander shall issue to each member of UNPROFOR before or as soon as possible after such member's first entry into Bosnia and Herzegovina, as well as to all locally recruited personnel, a numbered identity card, which shall show full name, date of birth, title or rank, service (if appropriate) and photograph. Except as provided for in paragraph 32 of the present Agreement, such identity card shall be the only document required of a member of UNPROFOR.

34. Members of UNPROFOR as well as locally recruited personnel shall be required to present, but not to surrender, their UNPROFOR identity cards upon demand of an appropriate official of the Government.

Uniform and arms

35. Military members and police personnel of UNPROFOR shall wear, while performing official duties, the national military or police uniform of their respective States with standard United Nations accoutrements. United Nations Security Officers and Field Service Officers may wear the United Nations uniform. The wearing of civilian dress by the above-mentioned members of UNPROFOR may be authorized by the Force Commander at other times. Military members and police personnel of UNPROFOR and United Nations Security Officers designated by the Force Commander may possess and carry arms while on duty in accordance with their order.

Permits and licenses

36. The Government agrees to accept as valid, without tax or fee, a permit or license issued by the Force Commander for the operation by any member of UNPROFOR, including locally recruited personnel, of any UNPROFOR transport or communication equipment and for the practice of any profession or occupation in connection with the functioning of UNPROFOR, provided that no license to drive a vehicle or pilot an aircraft shall be issued to any person who is not already in possession of an appropriate and valid license.

37. Without prejudice to the provisions of paragraph 35, the Government further agrees to accept as valid, without tax or fee, a permit or license issued by the Force Commander to a member of UNPROFOR for the carrying or use of firearms or ammunition in connection with the functioning of UNPROFOR.

Military police, arrest and transfer of custody, and mutual assistance

38. The Force Commander shall take all appropriate measures to ensure the maintenance of discipline and good order among members of UNPROFOR, as well as locally recruited personnel. To this end personnel designated by the Force Commander shall police the premises of UNPROFOR and such areas where its members are deployed. Elsewhere such personnel shall be employed only subject to arrangements with the Government and in liaison with it in so far as such employment is necessary to maintain discipline and order among members of UNPROFOR.

39. The military police of UNPROFOR shall have the power of arrest over the military members of UNPROFOR. Military personnel placed under arrest outside their own contingent areas shall be transferred to their contingent Commander for appropriate disciplinary action. The personnel mentioned in paragraph 38 above may take into custody any other person on the premises of UNPROFOR. Such other person shall be delivered immediately to the nearest appropriate official of the Government for the purpose of dealing with any offence or disturbance on such premises.

40. Subject to the provisions of paragraphs 22 and 25, officials of the Government may take into custody any member of UNPROFOR:

(a) When so requested by the Force Commander; or

(b) When such a member of UNPROFOR is apprehended in the commission or attempted commission of a criminal offence. Such person shall be delivered immediately, together with any weapons or other item seized, to the nearest appropriate representative of UNPROFOR, whereafter the provisions of paragraph 45 shall apply *mutatis mutandis*.

41. When a person is taken into custody under paragraph 39 or paragraph 40 (b), UNPROFOR or the Government, as the case may be, may make a preliminary interrogation but may not delay the transfer of custody. Following such transfer, the person concerned shall be made available upon request to the arresting authority for further interrogation.

42. UNPROFOR and the Government shall assist each other in carrying out all necessary investigations into offences in respect of which either or both have an interest, in the production of witnesses and in the collection and production of evidence, including the seizure of and, if appropriate, the handing over of items connected with an offence. The handing over of any such items may be made subject to their return within the terms specified by the authority delivering them. Each shall notify the other of the disposition of any case in the outcome of which the other may have an interest or in which there has been a transfer of custody under the provisions of paragraphs 39-41.

43. The Government shall ensure the prosecution of persons subject to its criminal jurisdiction who are accused of acts in relation to UNPROFOR or its members which, if committed in relation to the forces of the Government, would have rendered such acts liable to prosecution.

Jurisdiction

44. All members of UNPROFOR including locally recruited personnel shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue even

after they cease to be members of or employed by UNPROFOR and after the expiration of the other provisions of the present Agreement.

45. Should the Government consider that any member of UNPROFOR has committed a criminal offence, it shall promptly inform the Force Commander and present to him any evidence available to it. Subject to the provisions of paragraph 23:

(a) If the accused person is a member of the civilian component or a civilian member of the military or police component, the Force Commander shall conduct any necessary supplementary inquiry and then agree with the Government whether or not criminal proceedings should be instituted. Failing such agreement, the question shall be resolved as provided in paragraph 50 of the present Agreement;

(b) Military members of the military component of UNPROFOR shall be subject to the exclusive jurisdiction of their respective participating States in respect of any criminal offences which may be committed by them in Bosnia and Herzegovina.

46. If any civil proceeding is instituted against a member of UNPROFOR before any court of Bosnia and Herzegovina, the Force Commander shall be notified immediately, and he shall certify to the court whether or not the proceeding is related to the official duties of such member:

(a) If the Force Commander certifies that the proceeding is related to official duties, such proceeding shall be discontinued and the provisions of paragraph 48 of the present Agreement shall apply;

(b) If the Force Commander certifies that the proceeding is not related to official duties, the proceeding may continue. If the Force Commander certifies that a member of UNPROFOR is unable because of official duties or authorized absence to protect his/her interests in the proceeding, the court shall at the defendant's request suspend the proceeding until the elimination of the disability, but for not more than ninety days. Property of a member of UNPROFOR that is certified by the Force Commander to be needed by the defendant for the fulfilment of his/her official duties shall be free from seizure for the satisfaction of a judgement, decision or order. The personal liberty of a member of UNPROFOR shall not be restricted in a civil proceeding, whether to enforce a judgement, decision or order, to compel an oath or for any other reason.

Deceased members

47. The Force Commander shall have the right to take charge of and dispose of the body of a member of UNPROFOR who dies in Bosnia and Herzegovina, as well as that member's personal property located within Bosnia and Herzegovina, in accordance with United Nations procedures.

VII. SETTLEMENT OF DISPUTES

48. Except as provided in paragraph 50, any dispute or claim of a private law character to which UNPROFOR or any member thereof is a party and over which the courts of Bosnia and Herzegovina do not have jurisdiction because of any provision of the present Agreement, shall be settled by a standing claims commission to be established for that purpose. One member of the commission shall be appointed by the Secretary-General of the United Nations, one member by the Government and a chairman jointly by the Secretary-General and the Government. If no agreement as to the chairman is reached within thirty days of the appointment of the first

member of the commission, the President of the International Court of Justice may, at the request of either the Secretary-General of the United Nations or the Government, appoint the chairman. Any vacancy on the commission shall be filled by the same method prescribed for the original appointment, provided that the thirty-day period there prescribed shall start as soon as there is a vacancy in the chairmanship. The commission shall determine its own procedures, provided that any two members shall constitute a quorum for all purposes (except for a period of thirty days after the creation of a vacancy) and all decisions shall require the approval of any two members. The awards of the commission shall be final and binding, unless the Secretary-General of the United Nations and the Government permit an appeal to a tribunal established in accordance with paragraph 50. The awards of the commission shall be notified to the parties and, if against a member of UNPROFOR, the Force Commander or the Secretary-General of the United Nations shall use his best endeavors to ensure compliance.

49. Disputes concerning the terms of employment and conditions of service of locally recruited personnel shall be settled by the administrative procedures to be established by the Force Commander.

50. Any other dispute between UNPROFOR and the Government, and any appeal that both of them agree to allow from the award of the claims commission established pursuant to paragraph 48 shall, unless otherwise agreed by the parties, be submitted to a tribunal of three arbitrators. The provisions relating to the establishment and procedures of the claims commission shall apply, *mutatis mutandis*, to the establishment and procedures of the tribunal. The decisions of the tribunal shall be final and binding on both parties.

VIII. SUPPLEMENTAL ARRANGEMENTS

51. The Force Commander and the Government may conclude supplemental arrangements to the present Agreement.

IX. LIAISON

52. The Force Commander and the Government shall take appropriate measures to ensure close and reciprocal liaison at every appropriate level.

X. MISCELLANEOUS PROVISIONS

53. Wherever the present Agreement refers to the privileges, immunities and rights of UNPROFOR and to the facilities the Government undertakes to provide to UNPROFOR, the Government shall have the ultimate responsibility for the implementation and fulfilment of such privileges, immunities, rights and facilities by the appropriate local authorities of Bosnia and Herzegovina.

54. The present Agreement shall enter into force upon signature by or for the Secretary-General of the United Nations and the Government of Bosnia and Herzegovina.

55. The present Agreement shall remain in force until the departure of the final element of UNPROFOR from Bosnia and Herzegovina except that:

- (a) The provisions of paragraphs 44 and 50 shall remain in force;

(b) The provisions of paragraph 48 shall remain in force until all claims have been settled that arose prior to the termination of the present Agreement and were submitted prior to or within three months of such termination.

DONE at Sarajevo on 15 May, 1993.

For the Government
of Bosnia and Herzegovina:

A. IZETBEGOVIC

For the United Nations:

Lt. Gen. LARS-ERIC WAHLGREN
