

No. 33132

**UNITED NATIONS
and
BOSNIA AND HERZEGOVINA**

**Exchange of letters constituting an agreement on the status of
the United Nations Mission in Bosnia and Herzegovina
(UNMIBH). Sarajevo, 23 July and 5 September 1996**

Authentic text: English.

Registered ex officio on 5 September 1996.

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

**Échange de lettres constituant un accord sur le statut de
la Mission des Nations Unies en Bosnie-Herzégovine
(UNMIBH). Sarajevo, 23 juillet et 5 septembre 1996**

Texte authentique : anglais.

Enregistré d'office le 5 septembre 1996.

EXCHANGE OF LETTERS¹ CONSTITUTING AN AGREEMENT BETWEEN THE UNITED NATIONS AND BOSNIA AND HERZEGOVINA ON THE STATUS OF THE UNITED NATIONS MISSION IN BOSNIA AND HERZEGOVINA (UNMIBH)

I

UNITED NATIONS

NATIONS UNIES

UNITED NATIONS MISSION IN BOSNIA HERZEGOVINA
MISSION DES NATIONS UNIES EN BOSNIE-HERZÉGOVINE
SARAJEVO

23 July 1996

Sir,

I have the honour to refer to resolution 1035 (1995) of 21 December 1995² by which the United Nations Security Council decided to establish a United Nations civilian police to be known as the International Police Task Force (IPTF) and a United Nations civilian office. In accordance with operative paragraph 2 of the above-mentioned resolution, IPTF will be entrusted with the tasks set out in Annex 11 of the General Framework Agreement for Peace in Bosnia and Herzegovina (the Peace Agreement). The United Nations civilian office will be entrusted with the responsibilities set out in the report of the Secretary-General dated 13 December 1995 (S/1995/1031) which was approved by the Security Council in operative paragraph 1 of the above-mentioned resolution.

IPTF and the United Nations civilian office, which includes the Mine Action Centre, and, as agreed upon by the Security Council on 7 March 1996 (S/1996/174), a small team of military liaison officers, will be referred to as the United Nations Mission in Bosnia and Herzegovina ("UNMIBH"). The IPTF and the United Nations civilian office will function under the authority of the Special Representative of the Secretary-General ("the SRSG") who also is the United Nations Coordinator and Head of Mission of UNMIBH.

In order to facilitate the fulfilment of the purposes of UNMIBH, I propose that your Government, in implementation of its obligations under Article 105 of the Charter of the United Nations, extend to UNMIBH, as an organ of the United Nations, its property, funds and assets and its members listed in paragraphs a), b) and c) below, the privileges and immunities provided in the Convention on the Privileges and Immunities of the United Nations³ to which Bosnia and Herzegovina is a Party (the Convention). Additional facilities

¹ Came into force on 5 September 1996 by the exchange of the said letters.

² United Nations, *Official Records of the Security Council, Fiftieth Year, Resolutions and Decisions of the Security Council, 1995 (S/INF/51)*, p. 23.

³ *Ibid.*, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

as provided herein are also required for the contractors and their employees engaged by the United Nations to perform services and/or supply equipment, provisions, supplies, materials and other goods in support of UNMIBH ("United Nations contractors").

In view of the special importance of the functions which UNMIBH will perform in Bosnia and Herzegovina, I propose in particular that your Government extend to:

- (a) the SRSG, the Commissioner of the IPTF and other high-ranking members of UNMIBH whose names shall be communicated to the Government, the privileges and immunities, exemptions and facilities which are enjoyed by diplomatic envoys in accordance with international law;
- (b) the officials of the United Nations Secretariat assigned to serve with UNMIBH, the privileges and immunities to which they are entitled under Articles V and VII of the Convention. Locally-recruited members of UNMIBH 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;
- (c) persons, including IPTF personnel and military liaison officers assigned to serve with UNMIBH, the privileges and immunities accorded to experts performing missions for the United Nations under Article VI of the Convention;
- (d) United Nations contractors, other than nationals of Bosnia and Herzegovina, engaged exclusively to support the activities of UNMIBH shall be accorded repatriation facilities in time of international crisis and exemption from taxes in Bosnia and Herzegovina on the services provided to UNMIBH, including corporate, income, social security and other similar taxes arising directly from the provision of such services.

UNMIBH and its members shall respect all local laws and regulations. The SRSG shall take all appropriate measures to ensure the observance of those obligations. The Government shall respect the exclusively international nature of UNMIBH.

The privileges and immunities necessary for the fulfilment of the functions of UNMIBH also include:

- (i) unrestricted freedom of entry and exit without delay or hindrance, of its members and United Nations contractors, their property, supplies, equipment and spare parts and means of transport;
- (ii) unrestricted freedom of movement throughout the country of its members and United Nations contractors, their property, equipment and means of transport. UNMIBH, its members, United Nations contractors and their vehicles, vessels and aircraft shall use roads, bridges, canals, and other waters, port facilities and airfields without the payment of dues, tolls, landing fees, parking fees,

overflight fees, port fees and charges, including wharfage charges. However, exemption from charges which are in fact charges for services rendered will not be claimed.

- (iii) prompt issuance by the Government of all necessary authorizations, permits and licences required for the importation of equipment, provisions, supplies, materials and other goods used in support of UNMIBH, including in respect of importation by United Nations contractors, free of any restrictions and without the payment of duties, charges or taxes including value-added tax;
- (iv) acceptance by the Government of permits or licences issued by the United Nations for the operation of vehicles used in support of UNMIBH; acceptance by the Government, or where necessary validation by the Government, free of charge and without any restriction, of licences and certificates already issued by appropriate authorities in other States in respect of aircraft and vessels used in support of UNMIBH; prompt issuance by the Government, free of charge and without any restrictions, of necessary authorizations, licences and certificates, where required, for the acquisition, use, operation and maintenance of aircraft and vessels used in support of UNMIBH.
- (v) right for the IPTF to have access to any site, person, activity, proceeding, record, or other item or event in Bosnia and Herzegovina to carry out its responsibilities under the Agreement on International Police Task Force annexed to the Peace Agreement; such right, shall include, pursuant to the above-mentioned Agreement on International Police Task Force, the right to monitor, observe, and inspect any site or facility which the IPTF believes that police, law enforcement, detention, or judicial activities are taking place;
- (vi) right to fly the United Nations flag on UNMIBH premises, including its headquarters, regional headquarters, vehicles, aircraft and vessels used in support of UNMIBH;
- (vii) right to unrestricted communication by radio, satellite or other forms of communication with United Nations Headquarters and between the various offices and to connect with the United Nations radio and satellite network, as well as by telephone, telegraph or other means. The frequencies on which the communication by radio will operate shall be decided upon in cooperation with the Government; and
- (viii) right to make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of UNMIBH. The Government shall be informed of the nature of such arrangements, and shall not interfere with or apply censorship to the mail of UNMIBH or its members.

It is understood that the Government of Bosnia and Herzegovina shall provide at no cost to the United Nations, in agreement with the SRSG, all such premises as may be required for conducting the operational and administrative activities of UNMIBH. All premises used

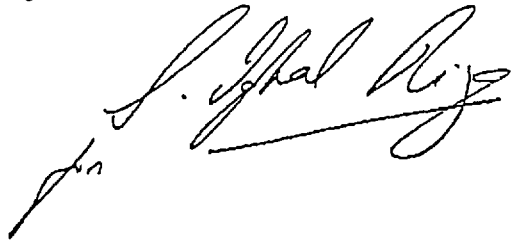
by UNMIBH and its members shall be inviolable and subject to the exclusive control and authority of the United Nations.

It is expected that the Government of Bosnia and Herzegovina shall provide UNMIBH, where necessary and upon request of UNMIBH, with maps and other information, including locations of mine fields and other dangers and impediments, which may be useful in facilitating its tasks and movements.

Finally, it would be appreciated if the Government of Bosnia and Herzegovina would agree to extend to the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) established pursuant to Security Council resolution 1037 (1996)¹ dated 15 January 1996, the United Nations Liaison Office in Belgrade and the United Nations Office in Zagreb, the necessary privileges and immunities, rights and facilities for the purposes of transiting through the territory of Bosnia and Herzegovina.

If the above provisions meet with your approval, I would propose that this letter and your reply thereto constitute an agreement between the United Nations and Bosnia and Herzegovina on the status of UNMIBH and its members with immediate effect.

Accept, Sir, the assurances of my highest consideration.



BOUTROS BOUTROS-GHALI
Secretary-General of the United Nations

His Excellency
Mr. Jadranko Prlic
Minister of Foreign Affairs
Government of Bosnia and Herzegovina
Sarajevo

¹United Nations, *Official Records of the Security Council, Fifty-first Year, Resolutions and Decisions of the Security Council, 1996 (S/INF/52)*, p. 25.

II

BOSNIA-HERZEGOVINA
MINISTRY OF FOREIGN AFFAIRS


Sir,

I have the honour to acknowledge receipt of Your letter dated July 23, 1996 concerning Agreement between Bosnia and Herzegovina and the United Nations on the status of UNMIBH and its members, which reads as follows :

[See letter I]

I have the honour to inform You that the foregoing text is in accordance with the position of my Government and that Your letter and this letter in reply to it , constitute the Agreement between Bosnia and Herzegovina and the United Nations on the status of UNMIBH and its members with effect from the date of this letter.

Please, Sir, accept the assurances of my highest consideration.
Done in Sarajevo, September 5, 1996



Dr. JADRANKO PRLIC
Minister of Foreign Affairs

His Excellency
Mr. Boutros Boutros-Ghali
Secretary General
United Nations
New York
