

No. 44759*

**United Nations
and
Cyprus**

Status-of-Forces Agreement between the Republic of Cyprus and the United Nations in connection with the support, supplementation and Enhancement of the United Nations Interim Force in Lebanon. New York, 25 February 2008

Entry into force: *25 February 2008 by signature, in accordance with paragraph 52*

Authentic texts: *English*

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**Organisation des Nations Unies
et
Chypre**

Accord sur le statut des forces entre la République de Chypre et l'Organisation des Nations Unies en vue d'appuyer, de compléter et de renforcer la force intérimaire des Nations Unies au Liban. New York, 25 février 2008

Entrée en vigueur : *25 février 2008 par signature, conformément au paragraphe 52*

Textes authentiques : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *d'office, 25 février 2008*

* *The text reproduced below is the original text of the agreement as submitted. For ease of reference, it was sequentially paginated. The relevant Treaty Series volume will be published in due course.*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**Status-of-Forces Agreement
between the Republic of Cyprus and the United Nations
in connection with the Support, Supplementation and Enhancement of
the United Nations Interim Force in Lebanon**

I. DEFINITIONS

1. For the purpose of the present Agreement the following definitions shall apply:
 - (a) "aircraft" means aircraft in use by the United Nations or by participating States in support of UNIFIL activities;
 - (b) "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;
 - (b) "Force Commander" means the Force Commander of UNIFIL appointed by the Secretary-General of the United Nations. Any reference to the Force Commander in this Agreement shall, except in paragraph 21, include any member of UNIFIL to whom he or she delegates a specified function or authority;
 - (c) "Government" means the Government of the Republic of Cyprus;
 - (d) "Members" means the Force Commander and any personnel of UNIFIL;
 - (e) "Participating State" means a Member State of the United Nations contributing personnel to the military component of UNIFIL and acting in accordance with the Charter of the United Nations;
 - (f) "UNIFIL" means the United Nations Interim Force in Lebanon, including its Maritime Task Force (MTF) established as a maritime subcomponent of its military component;
 - (g) "vehicles" means vehicles in use by the United Nations or by participating States in support of UNIFIL activities;
 - (h) "vessels" means vessels in use by the United Nations in support of UNIFIL 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 UNIFIL or any member thereof apply in the Republic of Cyprus in respect of:
 - (a) UNIFIL vessels that make visits to the port of Limassol for the purpose of refueling, removing waste, taking on board supplies or rotating their crews, both for the duration of any such visit and while navigating through the territorial waters of the Republic of Cyprus for the purpose of proceeding to the port of Limassol in order to make such a visit and while navigating through those waters for the purpose of proceeding from the port of Limassol back to their patrolling area off the coast of Lebanon after making any such visit;
 - (b) the crew members of those vessels during the course of any such visits and

voyages, those crew members being considered during those times to be members of UNIFIL with the status of military members of UNIFIL's military component;

(c) new crew members arriving in the Republic of Cyprus to join UNIFIL vessels at the port of Limassol and former crew members rotating out of UNIFIL vessels at the port of Limassol and returning from the Republic of Cyprus to their country of origin, those crew members being considered during those times to be members of UNIFIL with the status of military members of UNIFIL's military component;

(d) national support elements deployed by participating States to the Republic of Cyprus for the purpose of providing logistic support to UNIFIL vessels at the port of Limassol, such elements being considered members of UNIFIL with the status of either military or civilian members of UNIFIL's military component, as the case may be;

(e) property, equipment, provisions, supplies, materials and other goods, including vehicles and aircraft, deployed by participating States to the Republic of Cyprus for the purpose of providing logistic support to UNIFIL vessels at the port of Limassol, such property, equipment, provisions, supplies, materials, goods and means of transport being considered property, funds and assets of participating States used in connection with UNIFIL.

III. APPLICATION OF THE CONVENTION

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

4. UNIFIL, its property, funds and assets, and its members, including the Force Commander, shall enjoy the privileges and immunities specified in the present Agreement as well as those provided for in the Convention, to which the Republic of Cyprus is Party.

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

IV. STATUS OF THE PEACE-KEEPING OPERATION

6. UNIFIL 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. UNIFIL and its members shall observe and respect the laws, regulations, customs and traditions of the Republic of Cyprus and shall be obliged not to interfere in the internal affairs of the Republic of Cyprus. The Force Commander shall take all appropriate measures to ensure the observance of those obligations.

7. The Government undertakes to respect the exclusively international nature of UNIFIL.

United Nations flag and vehicle markings

8. The Government recognizes the right of UNIFIL to display within the Republic of Cyprus the United Nations flag on its vehicles, vessels and otherwise as decided by the Force Commander. Other flags or pennants may be displayed only in exceptional cases. In these cases, UNIFIL shall give sympathetic consideration to observations or requests of the Government of the Republic of Cyprus.

9. Vehicles, vessels and aircraft of UNIFIL shall carry a distinctive United Nations

identification, which shall be notified to the Government.

Communications

10. UNIFIL shall enjoy the facilities in respect to communications provided in Article III of the Convention and shall, in coordination 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.

11. Subject to the provisions of paragraph 10:

(a) UNIFIL shall have authority to install and operate radio sending and receiving stations as well as satellite systems to connect appropriate points within the territory of the Republic of Cyprus 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 Convention 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) UNIFIL shall enjoy, within the territory of the Republic of Cyprus, 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, including the establishment of radio sending, receiving and repeater stations. The frequencies on which the radio will operate shall be decided upon in cooperation 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) UNIFIL may make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of UNIFIL. The Government shall be informed of the nature of such arrangements and shall not interfere with or apply censorship to the mail of the United Nations peace-keeping operation or its members. In the event that postal arrangements applying to private mail of members of the United Nations peace-keeping operation 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

12. UNIFIL and its members shall enjoy, together with its vehicles, vessels, aircraft and equipment, freedom of movement throughout the Republic of Cyprus. 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 the Republic of Cyprus be coordinated with the Government. The Government undertakes to supply UNIFIL, 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.

13. Vehicles, including all military vehicles, vessels and aircraft of UNIFIL 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.

14. UNIFIL and its members, together with its vehicles, vessels and aircraft, may use roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls or charges, including wharfage charges. However, UNIFIL and its members, vehicles, vessels and aircraft will not claim exemption from charges which are in fact charges for services rendered.

Privileges and immunities of the United Nations peacekeeping operation

15. UNIFIL, 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 UNIFIL shall also apply to the property, funds and assets of participating States used in the Republic of Cyprus in connection with the national contingents serving in UNIFIL, as provided for in paragraph 5 of the present Agreement. The Government recognizes the right of UNIFIL 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 UNIFIL;

(b) To re-export such equipment, provisions, supplies and other goods so imported.

To the end that such importation, transfer or exportation may be effected with the least possible delay, a mutually satisfactory procedure, including documentation, shall be agreed between UNIFIL and the Government at the earliest possible date.

V. FACILITIES FOR UNIFIL

Vessels

16. Without prejudice to the fact that the waters through which they are navigating or in which they are anchored or berthed remain territorial or internal waters of the Republic of Cyprus, UNIFIL vessels shall be inviolable and subject to the exclusive control and authority of the United Nations.

17. The United Nations alone may consent to the boarding of UNIFIL vessels by any government officials or of any other person not member of UNIFIL.

18. UNIFIL shall have the right, where necessary, to generate, aboard its vessels, electricity for the use of those vessels and their crews.

19. UNIFIL and the Government shall cooperate with respect to sanitary services and shall extend to each other the fullest cooperation in matters concerning health, particularly with respect to the control of communicable diseases, in accordance with international conventions.

VI. STATUS OF THE MEMBERS OF UNIFIL

Privileges and immunities

20. The Force Commander 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.

21. Military personnel of national contingents of participating States assigned to the military component of UNIFIL shall have the privileges and immunities specifically provided for in the present Agreement.
22. Members of UNIFIL 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 the Republic of Cyprus. They shall also be exempt from all other direct taxes, except municipal rates for services enjoyed, and from all registration fees and charges.
23. Members of UNIFIL shall have the right to import free of duty their personal effects in connection with their arrival in the Republic of Cyprus. They shall be subject to the laws and regulations of the Republic of Cyprus governing customs and foreign exchange with respect to personal property not required by them by reason of their presence in the Republic of Cyprus with UNIFIL. Special facilities will be granted by the Government for the speedy processing of entry and exit formalities for all members of UNIFIL, including the military component, upon prior written notification. On departure from the Republic of Cyprus, members of UNIFIL may, notwithstanding the above-mentioned exchange regulations, take with them such funds as the Force Commander certifies were received in pay and emoluments 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 UNIFIL.
24. The Force Commander shall cooperate with the Government and shall render all assistance within his or her power in ensuring the observance of the customs and fiscal laws and regulations of the Republic of Cyprus by the members of UNIFIL, in accordance with the present Agreement.

Entry, residence and departure

25. The Force Commander and members of UNIFIL shall, whenever so required by the Force Commander, have the right to enter into, reside in and depart from the Republic of Cyprus.
26. The Government of the Republic of Cyprus undertakes to facilitate the entry into and departure from the Republic of Cyprus of the Force Commander and members of UNIFIL and shall be kept informed of such movement. For that purpose, the Force Commander and members of UNIFIL shall be exempt from passport and visa regulations and immigration inspection and restrictions on entering into or departing from the Republic of Cyprus. They shall also be exempt from any regulations governing the residence of aliens in the Republic of Cyprus, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in the Republic of Cyprus.
27. For the purpose of such entry or departure, members of UNIFIL 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 28 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

28. The Force Commander shall issue to each member of UNIFIL before or as soon as possible after such member's first entry into the Republic of Cyprus, 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 27 of the present Agreement, such identity card shall be the only document required of a member of UNIFIL.

29. Members of UNIFIL shall be required to present, but not to surrender, their UNIFIL identity cards upon demand of an appropriate official of the Government.

Uniform and arms

30. Military members of UNIFIL shall wear, while performing official duties, the national military uniform of their respective States with standard United Nations accoutrements. The wearing of civilian dress by the above-mentioned members of UNIFIL may be authorized by the Force Commander at other times. Military members of UNIFIL may possess and carry arms while on duty in accordance with their orders.

Permits and licences

31. The Government agrees to accept as valid, without tax or fee, a permit or licence issued by the Force Commander for the operation by any member of UNIFIL of any UNIFIL transport or communication equipment which carries the insurance specified in Article 13 and for the practice of any profession or occupation in connection with the functioning of UNIFIL, provided that no licence 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 licence.

32. Without prejudice to the provisions of paragraph 30, the Government further agrees to accept as valid, without tax or fee, a permit or licence issued by the Force Commander to a member of UNIFIL for the carrying or use of firearms or ammunition in connection with the functioning of UNIFIL.

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

33. The Force Commander shall take all appropriate measures to ensure the maintenance of discipline and good order among members of UNIFIL. To this end personnel designated by the Force Commander shall police the vessels of UNIFIL 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 UNIFIL.

34. The military police of UNIFIL shall have the power of arrest over the military members of UNIFIL. 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 33 above may take into custody any other person on the vessels of UNIFIL. 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 vessel.

35. Subject to the provisions of paragraph 21, officials of the Government may take into custody any member of UNIFIL:

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

(b) When such a member of UNIFIL 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 UNIFIL, whereafter the provisions of paragraph 41 shall apply *mutatis mutandis*.

36. When a person is taken into custody under paragraph 34 or paragraph 35 (b), UNIFIL 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.

37. UNIFIL 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 34-36.

38. In accordance with operative paragraph 5 (a) of Security Council resolution 1502 (2003) of 26 August 2003 and operative paragraph 13 of General Assembly resolution 61/133 of 14 December 2006, the provisions of the Convention on the Safety of United Nations and Associated Personnel, to which the Republic of Cyprus is party, having acceded thereto on 1 July 2003, shall apply in respect of members, equipment, vehicles, vessels and aircraft of UNIFIL in the Republic of Cyprus.

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

Jurisdiction

40. All members of UNIFIL 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 UNIFIL and after the expiration of the other provisions of the present Agreement.

41. Should the Government consider that any member of UNIFIL has committed a criminal offence, it shall promptly inform the Force Commander and present to him or her any evidence available to it. Subject to the provisions of paragraph 21:

(a) If the accused person is a civilian member of the military 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 46 of the present Agreement.

(b) Military members of the military component of UNIFIL 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 the Republic of Cyprus.

42. If any civil proceeding is instituted against a member of UNIFIL before any court of the Republic of Cyprus, the Force Commander shall be notified immediately, and he or she 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 44 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 UNIFIL is unable because of official duties or authorized absence to protect his or 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 UNIFIL that is certified by the Force Commander to be needed by the defendant for the fulfillment of his or her official duties shall be free from seizure for the satisfaction of a judgment, decision or order. The personal liberty of a member of UNIFIL shall not be restricted in a civil proceeding, whether to enforce a judgment, decision or order, to compel an oath or for any other reason.

Deceased members

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

VII. SETTLEMENT OF DISPUTES

44. Except as provided in paragraphs 46, any dispute or claim of a private law character to which UNIFIL or any member thereof is a party and over which the courts of the Republic of Cyprus 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 46. The awards of the commission shall be notified to the parties and, if against a member of UNIFIL the United Nations peace-keeping operation, the Force Commander or the Secretary-General of the United Nations shall use his or her best endeavours to ensure compliance.

45. In accordance with operative paragraph 12 of General Assembly resolution 52/247 of 26 June 1998, third-party claims for property loss or damage and for personal injury, illness or death arising from or directly attributed to the activities of UNIFIL or its members in the Republic of Cyprus, except for those arising from operational necessity, and which cannot be settled through the internal procedures of the United Nations, shall be settled by the United Nations in the manner provided for in paragraph 44 above, provided that the claim is submitted within one year following the occurrence of the loss, damage or injury or, if the claimant did not know or could not reasonably have known of such loss or injury, within one year from the time he or she had discovered the loss or injury, but in any event not later than one year after the termination of UNIFIL's mandate. It is nevertheless understood that, in exceptional circumstances, such as those described in paragraph 20 of the report of the Secretary-General of the United Nations to the General Assembly dated 21 May 1997 (United Nations document A/51/903), the United Nations may accept for consideration a claim made at a later date. Upon determination of liability as provided in this Agreement, the United Nations shall pay compensation within the financial limitations approved by the General Assembly in its resolution 52/247 of 26 June 1998.

46. Any other dispute between UNIFIL and the Government, and any appeal that both of them agree to allow from the award of the Standing Claims Commission established pursuant to

paragraph 44 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.

47. All differences between the United Nations and the Government of the Republic of Cyprus arising out of the interpretation or application of the present arrangements which involve a question of principle concerning the Convention shall be dealt with in accordance with the procedure of Section 30 of the Convention.

VIII. SUPPLEMENTAL ARRANGEMENTS

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

IX. LIAISON

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

X. MISCELLANEOUS PROVISIONS

50. Wherever the present Agreement refers to the privileges, immunities and rights of UNIFIL and to the facilities the Republic of Cyprus undertakes to provide to UNIFIL, the Government shall have the ultimate responsibility for the implementation and fulfilment of such privileges, immunities, rights and facilities by the appropriate local Republic of Cyprus authorities.

51. The present Agreement is concluded for the sole purpose of assisting in the implementation of Security Council resolution 1701 (2006) of 11 August 2006 and relevant resolutions recalled therein.

52. The present Agreement shall enter into force on signature by or for the Secretary-General of the United Nations and the Government.

53. The present Agreement shall remain in force until the earlier of the following events:

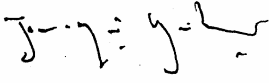

- (a) the departure of the final element of UNIFIL from the Republic of Cyprus;
- (b) termination of the present Agreement by the giving of three months notice by the Secretary-General of the United Nations or by the Government of the Republic of Cyprus as the case may be.

54. Notwithstanding the termination of the present Agreement in accordance with paragraph 53:

- (a) The provisions of paragraphs 38, 40, 46 and 49 shall remain in force;
- (b) The provisions of paragraph 44 and 45 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 one year after termination of UNIFIL's mandate.

IN WITNESS WHEREOF, the undersigned, being the duly authorized plenipotentiary of the Government and the duly appointed representative of the United Nations, have, on behalf of the Parties, signed the present Agreement.

Done at New York on the 25 day of February of the year 2008, in two original copies in the English language.

For the United Nations	For the Government of the Republic of Cyprus
 Jean-Marie Guéhenno Under-Secretary-General for Peacekeeping Operations	 Andreas D. Mavroyiannis Permanent Representative of the Republic of Cyprus to the United Nations in New York