

No. 8129

**UNITED NATIONS
and
AUSTRALIA**

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 Australia. New York, 21 and 25 February 1966

Official text: English.

Registered ex officio on 25 February 1966.

**ORGANISATION DES NATIONS UNIES
et
AUSTRALIE**

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 australien. New York, 21 et 25 février 1966

Texte officiel anglais.

Enregistré d'office le 25 février 1966.

No. 8129. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED NATIONS AND AUSTRALIA CONCERNING THE SERVICE WITH THE UNITED NATIONS PEACE-KEEPING FORCE IN CYPRUS OF THE NATIONAL CONTINGENT PROVIDED BY THE GOVERNMENT OF AUSTRALIA. NEW YORK, 21 AND 25 FEBRUARY 1966

I

*Letter from the Secretary-General of the United Nations
to the Permanent Representative of Australia 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)² 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;

¹ Deemed to have taken effect as from 14 May 1964, the date that the national contingent provided by the Government of Australia departed from its home country to assume duties with the United Nations Peace-Keeping Force in Cyprus, in accordance with paragraph 14.

² 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 three month 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 1964¹ 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 I² and Annex II² respectively.

3. I wish to express my appreciation to your Government for making available a contingent 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 national contingent 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. National 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 from their own military services. It is assumed that the participating States will act accordingly.

¹ United Nations, *Treaty Series*, Vol. 492, p. 57.

² See p. 96 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 commander of the national contingent 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 which might be committed by a member of such national contingent 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 national contingent 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 national contingent 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 national contingents which have been made available by participating Governments