

No. 31695

**UNITED NATIONS
and
HAITI**

**Agreement on the status of the United Nations Mission in
Haiti. Signed at Port-au-Prince on 15 March 1995**

Authentic text: French.

Registered ex officio on 15 March 1995.

**ORGANISATION DES NATIONS UNIES
et
HAÏTI**

**Accord sur le statut de la Mission des Nations Unies en Haïti.
Signé à Port-au-Prince le 15 mars 1995**

Texte authentique : français.

Enregistré d'office le 15 mars 1995.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF HAITI ON THE STATUS OF THE UNITED NATIONS MISSION IN HAITI

I. DEFINITIONS

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

(a) “UNMIH” means the United Nations Mission in Haiti established pursuant to Security Council resolution 867 (1993) of 23 September 1993² and whose mandate was revised and extended in accordance with the provisions of paragraphs 9 and 10 of Security Council resolution 940 (1994) of 31 July 1994.³ UNMIH was subsequently strengthened pursuant to Security Council resolution 975 (1995) of 30 January 1995.⁴ UNMIH is to comprise:

- (i) The “Special Representative” appointed by the Secretary-General of the United Nations. Except as provided in paragraph 24 below, any mention of the Special Representative in the present Agreement shall include any member of UNMIH to whom the Special Representative may have delegated his authority;
- (ii) A “civilian component” made up of United Nations officers and other persons, including the civilian police, assigned by the Secretary-General to assist the Special Representative or placed at the disposal of UNMIH by the participating States;
- (iii) A “military component” made up of military personnel and specialized civilian personnel placed at the disposal of UNMIH by the participating States;

(b) “Member of UNMIH” means a member of the civilian or military component;

(c) “Locally recruited personnel” means United Nations officers who are recruited locally, with the exception of those who are assigned to hourly rates, in accordance with General Assembly resolution 76 (I) of 7 December 1946;⁵

(d) “Participating State” means a State contributing personnel to the aforementioned UNMIH components;

(e) “The Government” means the Government of Haiti;

(f) “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 1946.⁶

¹ Came into force on 15 March 1995 by signature, in accordance with article 57.

² United Nations, *Official Records of the Security Council, Forty-eighth Year, Resolutions and Decisions of the Security Council 1993* (S/INF/49), p. 122.

³ *Ibid.*, *Forty-ninth Year, Resolutions and Decisions of the Security Council 1994* (S/INF/50), p. 51.

⁴ *Ibid.*, *Fiftieth Year, Resolutions and Decisions of the Security Council, 1995* (S/INF/51).

⁵ United Nations, *Official Records of the General Assembly, First Session, Second Part* (A/64/Add.1), p. 139.

⁶ United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

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 UNMIH or any member thereof apply throughout the territory of Haiti.

III. APPLICATION OF THE CONVENTION

3. UNMIH, its property, funds and assets, and its members, including the Special Representative, shall enjoy the privileges and immunities specified in the present Agreement as well as those provided for in the Convention, to which Haiti is a Party.

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

IV. STATUS OF UNMIH

5. UNMIH 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. UNMIH and its members shall respect all local laws and regulations. The Special Representative shall take all appropriate measures to ensure the observation of those obligations.

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

7. Without prejudice to the mandate of UNMIH and its international status:

(a) The United Nations shall ensure that UNMIH fulfils its mission in Haiti in such a manner as to respect fully the principles and spirit of the general international conventions relating to the conduct of military personnel. These international conventions include the four Geneva Conventions (Red Cross) of 12 August 1949¹ and the Additional Protocols thereto of 8 June 1977² and the UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict;³

(b) The Government shall undertake to treat UNMIH military personnel at all times in such a manner as to respect fully the principles and spirit of the general international conventions applicable to the treatment of military personnel. These international conventions include the four Geneva Conventions (Red Cross) of 12 August 1949 and the Additional Protocols thereto of 8 June 1977.

UNMIH and the Government shall ensure that the members of their respective military personnel are fully aware of the principles and spirit of the aforementioned international instruments.

United Nations flag and vehicle markings

8. The Government recognizes the right of UNMIH to display within Haiti the United Nations flag on its headquarters, camps or other premises, vehicles, vessels and otherwise as decided by the Special Representative. Other flags or pen-

¹ United Nations, *Treaty Series*, vol. 75, p. 2.

² *Ibid.*, vol. 1125, pp. 3 and 609.

³ *Ibid.*, vol. 249, p. 215.

nants may be displayed only in exceptional cases. In these cases, UNMIH shall give sympathetic consideration to observations or requests of the Government of Haiti.

9. UNMIH vehicles, vessels and aircraft shall carry a distinctive United Nations identification, which shall be notified to the Government.

Communications

10. UNMIH shall enjoy the facilities in respect to communications provided for 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) UNMIH 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 Haiti 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 cooperation with the Government and shall be communicated by the United Nations to the International Frequency Registration Board.

(b) UNMIH shall enjoy, within the territory of Haiti, the right to communication, in accordance with paragraph 11 (a), 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 UNMIH premises, 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 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) UNMIH may make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of UNMIH. The Government shall be informed of the nature of such arrangements and shall not interfere with or apply censorship to the mail of UNMIH or its members. In the event that postal arrangements applying to private mail of members of UNMIH 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. UNMIH and its members shall enjoy, together with its vehicles, vessels, aircraft and equipment, freedom of movement throughout Haiti. 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 Haiti, be coordinated with the Government. The Government undertakes to supply UNMIH, 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. UNMIH vehicles, including all military vehicles, vessels and aircraft, 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. UNMIH may use roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls or charges, including wharfage charges. However, UNMIH will not claim exemption from charges which are in fact charges for services rendered.

Privileges and immunities of UNMIH

15. UNMIH, 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 UNMIH shall also apply to the property, funds and assets of participating States used in Haiti, in connection with the national contingents serving in UNMIH, as provided for in paragraph 4 of the present Agreement. The Government recognizes the right of UNMIH 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 UNMIH 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 members of UNMIH, but not of locally recruited personnel. Such commissaries may provide goods of a consumable nature and other articles to be specified in advance. The Special Representative 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 UNMIH, 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 UNMIH 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 Haiti 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, a mutually satisfactory procedure, including documentation, shall be agreed between UNMIH and the Government at the earliest possible date.

V. FACILITIES

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

16. The Government of Haiti shall provide without cost to UNMIH and in agreement with the Special Representative such areas for headquarters, camps or other premises as may be necessary for the conduct of the operational and admin-