

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,