

No. 41753. United Nations and Georgia

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF GEORGIA CONCERNING THE UNITED NATIONS OBSERVER MISSION IN GEORGIA (UNOMIG). NEW YORK, 27 SEPTEMBER 1994 AND TBILISI, 15 OCTOBER 1994 [*United Nations, Treaty Series*, vol. 2330, I-41753.]

SUPPLEMENTARY ARRANGEMENT FOR THE EXEMPTION OF UNOMIG FROM PAYMENT OF AIR NAVIGATION CHARGES AND OTHER RELATED CHARGES. TBILISI, 27 MARCH 2003 AND 4 NOVEMBER 2003

Entry into force: 26 July 2005, in accordance with its provisions

Authentic texts: English

Registration with the Secretariat of the United Nations: ex officio, 17 August 2005

No. 41753. Organisation des Nations Unies et Géorgie

ÉCHANGE DE LETTRES CONSTITUANT UN ACCORD ENTRE L'ORGANISATION DES NATIONS UNIES ET LE GOUVERNEMENT DE LA GÉORGIE RELATIF À LA MISSION D'OBSERVATION DES NATIONS UNIES EN GÉORGIE (UNOMIG). NEW YORK, 27 SEPTEMBRE 1994 ET TBILISSI, 15 OCTOBRE 1994 [*Nations Unies, Recueil des Traités*, vol. 2330, I-41753.]

ARRANGEMENT COMPLÉMENTAIRE RELATIF À L'EXEMPTION DE L'UNOMIG DES PAIEMENTS DES FRAIS DE LA NAVIGATION AÉRIENNE ET D'AUTRES FRAIS CONNEXES. TBILISSI, 27 MARS 2003 ET 4 NOVEMBRE 2003

Entrée en vigueur : 26 juillet 2005, conformément à ses dispositions

Textes authentiques : anglais

Enregistrement auprès du Secrétariat des Nations Unies : d'office, 17 août 2005

[ENGLISH TEXT – TEXTE ANGLAIS]

I

The Special Representative of the Secretary-General for Georgia

27 March 2003

Excellency,

I would like to refer to the activities of the United Nations Observer Mission in Georgia (UNOMIG) as set out in inter alia, Security Council resolution 937 (1994) of 27 July 1994 as well as subsequent resolutions.

In order to ensure the effective discharge of its mandated activities, UNOMIG needs the continued cooperation of the Government of Georgia ("the Government") which includes facilitating the frequency of movement of UNOMIG and its members, logistical supplies and equipment in and out of Georgia. To that end, I would request that UNOMIG be made exempt from all air navigation charges and other related charges such as landing and parking fees as well as pilotage and overflight charges that relate to UNOMIG's aircraft operations in Georgia.

I would point out that the attached Status of Mission Agreement (SOMA) concluded with the Government, provides inter alia, that UNOMIG, its members, property, funds and assets will enjoy the status, privileges and immunities provided for under the Convention of the Privileges and Immunities of the United Nations, "the Convention", Section 7 a of the Convention provides as follows:

"The United Nations, its assets, income and other property shall be exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services."

Furthermore, the SOMA also provides that "The privileges and immunities necessary for the fulfillment of the functions of UNOMIG also included the exemption from all direct taxes, import and export duties, registration fees and charges."

As such I trust that UNOMIG will be able to use roads, bridges, canals and other waters, port facilities and airfields without payment of taxes, dues, tolls or charges. However, UNOMIG will not claim exemption from any other charges, which are in fact charges for specific services rendered, from which UNOMIG is not exempt under the Convention and the SOMA.

If you agree, I would propose that this letter and your written reply thereto constitute an agreement between the United Nations and the Government with immediate effect, which shall remain in force until otherwise decided by the Parties. This Agreement will constitute a supplemental arrangement in further implementation of the provisions of the attached SOMA concluded with your Government.

Finally, I would like to take this opportunity of thanking the Government of Georgia for the support provided to UNOMIG in facilitating its tasks.

Please accept, Excellency, the assurances of my highest consideration.

HEIDI TAGLIAVINI
Special Representative of the Secretary-General
United Nations Observer Mission in Georgia

His Excellency
Mr. Irakli Menagarishvili
Minister of Foreign Affairs of Georgia
Tbilisi

II

Ministry of Foreign Affairs

No. 10-17/339

11/4/2003

Excellency,

In reply to your letter dated March 27, 2003, taking into account the important role of the UNOMIG in process of peaceful settlement of conflict in Abkhazia and in order to facilitate effective functioning of the UNOMIG, I have the honor to inform you that the Georgian side agrees in addition to the Agreement concerning the United Nations Observer Mission Status in Georgia signed on October 15, 1994, to conclude an agreement on the conditions of UNOMIG functioning in accordance with the conditions envisaged in your letter.

According to that, your letter and present response to it will be considered as an agreement between the Government of Georgia and the United Nations Organization which enters into force on the date when Georgian side notifies about the fulfillment of its internal procedures and effects until the parties will not agree on other terms.

Sincerely,

IRAKLI MENAGARISHVILI

Special Representative of the Secretary-General
United Nations Observer Mission in Georgia
Heidi Tagliavini