

No. 48873

**United Nations
and
South Sudan**

The Status of Forces Agreement between the United Nations and the Government of the Republic of South Sudan concerning the United Nations Mission in South Sudan ("SOFA") (with supplemental arrangement). Juba, 8 August 2011

Entry into force: *8 August 2011 by signature, in accordance with paragraph 62*

Authentic text: *English*

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**Organisation des Nations Unies
et
Soudan du Sud**

Accord sur le statut des forces entre l'Organisation des Nations Unies et le Gouvernement de la République du Soudan du Sud concernant la Mission des Nations Unies au Soudan du Sud (« SOFA ») (avec arrangement complémentaire). Juba, 8 août 2011

Entrée en vigueur : *8 août 2011 par signature, conformément au paragraphe 62*

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[ENGLISH TEXT – TEXTE ANGLAIS]



**THE STATUS OF FORCES AGREEMENT
BETWEEN
THE UNITED NATIONS AND THE GOVERNMENT OF THE REPUBLIC OF SOUTH SUDAN
CONCERNING THE UNITED NATIONS MISSION IN SOUTH SUDAN
("SOFA")**

I. DEFINITIONS

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

(a) "UNMISS" means the United Nations Mission in South Sudan, established in accordance with Security Council resolution 1996 (2011) of 8 July 2011. UNMISS shall consist of:

(i) the "Special Representative" appointed by the Secretary-General of the United Nations. Any reference to the Special Representative in this Agreement shall, except in paragraph 26, include any member of UNMISS to whom he or she delegates a specified function or authority;

(ii) a "civilian component" consisting of United Nations officials and of other persons assigned by the Secretary-General to assist the Special Representative or made available by participating States to serve as part of UNMISS;

(iii) a "military component" consisting of military and civilian personnel made available to UNMISS by participating States at the request of the Secretary-General;

(b) a "member of UNMISS" means the Special Representative of the Secretary-General and any member of the civilian or military components;

(c) "the Government" means the Government of the Republic of South Sudan;

(d) "the territory" means the territory of the Republic of South Sudan;

(e) a "participating State" means a State providing personnel, services, equipment, provisions, supplies, materials and other goods, including spare parts and means of transport, to any of the above-mentioned components of UNMISS;

(f) "the 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, to which the Republic of South Sudan intends to become a Party;

(g) "contractors" means persons, other than members of UNMISS, engaged by the United Nations, including juridical as well as natural persons and their employees and sub-contractors, to perform services for UNMISS and/or to supply equipment, provisions, supplies, materials and other goods, including spare parts and means of transport, in support of UNMISS activities. Such contractors shall not be considered third party beneficiaries to this Agreement;

(h) "vehicles" means civilian and military vehicles in use by the United Nations and operated by members of UNMISS, participating States or contractors in support of UNMISS activities;

- (i) "vessels" means civilian and military vessels in use by the United Nations and operated by members of UNMISS, participating States or contractors in support of UNMISS activities;
- (j) "aircraft" means civilian and military aircraft in use by the United Nations and operated by members of UNMISS, participating States or contractors in support of UNMISS 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 UNMISS or any member thereof or to contractors shall apply in South Sudan.

III. APPLICATION OF THE CONVENTION

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

IV. STATUS OF UNMISS

- 5. UNMISS 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. UNMISS and its members shall respect all local laws and regulations. The Special Representative shall take all appropriate measures to ensure the observance of these obligations.
- 6. Without prejudice to the mandate of UNMISS and its international status:
 - (a) The United Nations shall ensure that UNMISS shall conduct its operation in South Sudan with full respect for the principles and rules of the international conventions applicable to the conduct of military personnel. These international conventions include the four Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977 and the UNESCO Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict;
 - (b) The Government undertakes to treat at all times the military personnel of UNMISS with full respect for the principles and rules of the international conventions applicable to the treatment of military personnel. These international conventions include the four Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977.

UNMISS and the Government shall ensure accordingly that members of their respective military personnel are fully acquainted with the principles and rules of the above-mentioned international instruments.

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

United Nations flag, markings and identification

8. The Government recognizes the right of UNMISS to display within South Sudan the United Nations flag on its headquarters, camps or other premises, vehicles, vessels and otherwise as decided by the Special Representative. Other flags or pennants may be displayed only in exceptional cases. In such cases, UNMISS shall give sympathetic consideration to observations or requests of the Government.

9. Vehicles, vessels and aircraft of UNMISS shall carry a distinctive United Nations identification, which shall be notified to the Government.

Communications

10. UNMISS shall enjoy the facilities in respect to communications provided in Article III of the Convention. 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) UNMISS shall have the right to establish, install and operate United Nations radio stations under its exclusive control to disseminate to the public in South Sudan information relating to its mandate. Programmes broadcast on such stations shall be under the exclusive editorial control of UNMISS and shall not be subject to any form of censorship. UNMISS will make the broadcast signal of such stations available to the state broadcaster upon request for further dissemination through the state broadcasting system. Such United Nations radio stations shall be operated in accordance with the International Telecommunication Convention and Regulations. The frequencies on which such stations may operate shall be decided upon in cooperation with the Government at the earliest possible date after signature of this Agreement or, as the case may be, on the request of UNMISS, preferably within fifteen (15) working days. UNMISS shall be exempt from any taxes on and fees for the allocation of frequencies for use by such stations, as well as from any taxes on or fees for their use.

(b) UNMISS shall have the right to disseminate to the public in South Sudan information relating to its mandate through official printed materials and publications, which UNMISS may produce itself or through private publishing companies in South Sudan. The content of such materials and publications shall be under the exclusive editorial control of UNMISS and shall not be subject to any form of censorship. UNMISS shall be exempt from any prohibitions or restrictions regarding the production or the publication or dissemination of such official materials and publications, including any requirement that permits be obtained or issued for such purposes. This exemption shall also apply to private publishing companies in South Sudan which UNMISS may use for the production, publication or dissemination of such materials or publications.

(c) UNMISS shall have the right to install and operate radio sending and receiving stations, as well as satellite systems, in order to connect appropriate points within the territory of South Sudan with each other and with United Nations offices in other countries, and to exchange telephone, voice, facsimile and other electronic data with the United Nations global telecommunications network. Such telecommunication services shall be operated in accordance with the International Telecommunication Convention and Regulations. The frequencies on which such services may operate shall be decided upon in cooperation with the

Government. If no decision has been reached fifteen (15) working days after the matter has been raised by UNMISS with the Government, the Government shall immediately allocate suitable frequencies to UNMISS for this purpose. UNMISS shall be exempt from any taxes on and fees for the allocation of frequencies for this purpose, as well as from any taxes on or fees for their use.

(d) UNMISS shall enjoy, within the territory of South Sudan, the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, electronic mail, facsimile or any other means, and of establishing the necessary facilities for maintaining such communications within and between premises of UNMISS, including the laying of cables and land lines and the establishment of fixed and mobile radio sending, receiving and repeater stations. The Government shall, as soon as possible after signature of this Agreement or, as the case may be, on the request of UNMISS, allocate suitable frequencies, preferably within fifteen (15) working days. UNMISS shall be exempt from any taxes on and fees for the allocation of frequencies for this purpose, as well as from any taxes on or fees for their use. Connections with the local system of telephone, facsimile and other electronic data may be made only after consultation and in accordance with arrangements with the Government. Use of the local system of telephone, facsimile and other electronic data shall be charged at the most favourable rate.

(e) UNMISS may make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of UNMISS. The Government shall be informed of the nature of such arrangements and shall not interfere with or apply censorship to the mail of UNMISS or its members. In the event that postal arrangements applying to private mail of members of UNMISS 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. UNMISS, its members and contractors, together with their property, equipment, provisions, supplies, materials and other goods, including spare parts, as well as vehicles, vessels and aircraft, including the vehicles, vessels and aircraft of contractors used exclusively in the performance of their services for UNMISS, shall enjoy full and unrestricted freedom of movement without delay throughout South Sudan by the most direct route possible, without the need for travel permits or prior authorization or notification, except in the case of movements by air, which will comply with ICAO safety regulations and the customary procedural requirements for flight planning and operations within the airspace of South Sudan as promulgated and specifically notified to UNMISS by the Civil Aviation Authority of South Sudan. This freedom shall, with respect to large movements of personnel, stores, vehicles or aircraft through airports or on railways or roads used for general traffic within South Sudan, be coordinated with the Government. The Government shall, where necessary, provide UNMISS with maps and other information, including maps of and information on the location of minefields and other dangers and impediments, which may be useful in facilitating UNMISS's movements and ensuring the safety and security of its members.

13. Vehicles, vessels and aircraft shall not be subject to registration or licensing by the Government, it being understood that all vehicles shall carry third party insurance.

14. UNMISS and its members and contractors, together with vehicles, vessels and aircraft, including vehicles, vessels and aircraft of contractors used exclusively in the performance of their services for UNMISS, may use roads, bridges, rivers, canals and other waters, port facilities, airfields