

No. 51702. United Nations and Somalia

AGREEMENT BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF SOMALIA CONCERNING THE STATUS OF THE UNITED NATIONS ASSISTANCE MISSION IN SOMALIA. MOGADISHU, 26 FEBRUARY 2014 [*United Nations, Treaty Series, vol. 2973, I-51702.*]

PROTOCOL OF AMENDMENT OF THE TEXT OF THE AGREEMENT BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF SOMALIA CONCERNING THE STATUS OF THE UNITED NATIONS ASSISTANCE MISSION IN SOMALIA. MOGADISHU, 23 MAY 2015*

Entry into force: 23 May 2015 by signature, in accordance with paragraph 2

Authentic text: English

Registration with the Secretariat of the United Nations: ex officio, 23 May 2015

*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.

Nº 51702. Organisation des Nations Unies et Somalie

ACCORD ENTRE L'ORGANISATION DES NATIONS UNIES ET LE GOUVERNEMENT DE LA RÉPUBLIQUE FÉDÉRALE DE SOMALIE CONCERNANT LE STATUT DE LA MISSION D'ASSISTANCE DES NATIONS UNIES EN SOMALIE. MOGADISHU, 26 FÉVRIER 2014 [*Nations Unies, Recueil des Traité, vol. 2973, I-51702.*]

PROTOCOLE D'AMENDEMENT DU TEXTE DE L'ACCORD ENTRE L'ORGANISATION DES NATIONS UNIES ET LE GOUVERNEMENT DE LA RÉPUBLIQUE FÉDÉRALE DE SOMALIE CONCERNANT LE STATUT DE LA MISSION D'ASSISTANCE DES NATIONS UNIES EN SOMALIE. MOGADISHU, 23 MAI 2015*

Entrée en vigueur : 23 mai 2015 par signature, conformément au paragraphe 2

Texte authentique : anglais

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 23 mai 2015

*Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.

[ENGLISH TEXT – TEXTE ANGLAIS]

PROTOCOL OF AMENDMENT
OF THE TEXT OF
THE AGREEMENT BETWEEN
THE UNITED NATIONS AND
THE GOVERNMENT OF THE FEDERAL REPUBLIC OF SOMALIA
CONCERNING THE STATUS OF THE
UNITED NATIONS ASSISTANCE MISSION IN SOMALIA

Whereas on 26 February 2014, the United Nations and the Government of the Federal Republic of Somalia concluded the Agreement between the United Nations and the Government of the Federal Republic of Somalia concerning the Status of the United Nations Assistance Mission in Somalia (the “Agreement”);

Whereas by resolution 2124 (2013), the Security Council took note of the Secretary-General’s intention to deploy an appropriate United Nations Static Guard unit to strengthen security at the United Nations Assistance Mission in Somalia (UN SOM) compounds;

Whereas the President of the Security Council in his letter dated 24 December 2013 addressed to the Secretary-General (S/2013/765) informed him that the Council took note of the arrangements proposed by the Secretary-General in his letter dated 20 December 2013 (S/2013/764) concerning the deployment of a static United Nations Guard Unit to strengthen the security of UNSOM;

Whereas the Government of the Federal Republic of Somalia has welcomed the deployment of the guard unit;

Now, therefore, the United Nations and the Government of the Federal Republic of Somalia hereby agree as follows:

1. The text of the Agreement shall be amended as follows:
 - (i) Paragraph 1 (c) shall be amended to read as follows:
 - (c) “members of UNSOM” means:
 - (i) the Special Representative;
 - (ii) officials of the United Nations assigned to serve with UNSOM, including those recruited locally;
 - (iii) United Nations Volunteers assigned to serve with UNSOM;

- (iv) other persons assigned to perform missions for UNSOM, including United Nations civilian police advisers and United Nations military advisers;
 - (v) military personnel of national contingents assigned to UNSOM's guard unit;
- (ii) Paragraph 1 (h) shall be amended to read as follows:
- (h) "vehicle" means vehicle in use by the United Nations and operated by members of UNSOM, participating States or contractors in support of UNSOM activities
- (iii) Paragraph 1 (i) shall be amended to read as follows:
- (i) "aircraft" means aircraft in use by the United Nations and operated by members of UNSOM, participating States or contractors in support of UNSOM activities;
- (iv) Paragraph 1 (j) shall be amended to read as follows:
- (j) "vessels" means vessels in use by the United Nations and operated by members of UNSOM, participating States or contractors in support of UNSOM activities;
- (v) The following paragraph shall be added as paragraph 1 (k):
- (k) "participating State" means a State providing personnel, services, equipment, provisions, supplies, materials and other goods to the guard unit of UNSOM.
- (vi) The following paragraph shall be inserted after paragraph 3:
3. *bis.* Article II of the Convention, which applies to UNSOM, shall also apply to the property, funds and assets of participating States used in connection with UNSOM.
- (vii) The chapeau of paragraph 13 be amended to read as follows:
13. UNSOM, as a subsidiary organ of the United Nations, enjoys the status, rights, privileges and immunities, exemptions and facilities of the United Nations pursuant to and in accordance with the Convention. The provisions of article II of the Convention which applies to UNSOM shall also apply to the property and funds and assets of Participating States used in Somalia in connection with the national contingents serving in UNSOM,

as provided for in paragraph 3bis of the present Agreement. The Government recognizes the right of UNSOM in particular:

- (viii) The following paragraph shall be inserted after paragraph 27:

27 bis. The military personnel of national contingents assigned to UNSOM's guard unit shall have the privileges and immunities specifically provided for in the present Agreement.

- (ix) Paragraph 29 shall be amended to read as follows:

Members of UNSOM, including locally recruited personnel, shall be exempt from taxation on the pay and emoluments received from the United Nations or from a participating State and any income received from outside Somalia. Members of UNSOM other than locally recruited personnel shall also be exempt from taxation on any income received from outside Somalia, as well as from all other direct taxes, except municipal rates for services enjoyed, and from all registration fees and charges.

- (x) Paragraph 33 shall be amended to read as follows:

The Government undertakes to facilitate the entry into and departure from Somalia, without delay or hindrance, of the Special Representative and members of UNSOM and shall be kept informed of such movement. For the Special Representative and members of UNSOM holding a valid United Nations laissez-passer or a United Nations travel certificate, entry into and departure from Somalia shall be granted upon the presentation of the same. For members of UNSOM not holding a valid laissez-passer or travel certificaté (other than military members of national contingent assigned to UNSOM's guard unit), entry into and departure from Somalia shall be granted upon presentation of a valid national passport and, where visas are required, such members shall be issued with a one-year multiple entry visas, free of charge, upon arrival at the airport or other port of entry. The military personnel of national contingents assigned to UNSOM's guard unit shall be exempt from passport and visa regulations. They shall, however, complete and submit arrival and departure cards. For the purpose of such entry and departure, military personnel of national contingents assigned to UNSOM's guard unit shall only be required to have a personal numbered identity card issued by the Special Representative, showing the holder's full name, date of birth, job title and photograph, except in the case of first entry, when a national passport or a personal identity card issued by the appropriate authorities of the contributing State shall be accepted in lieu. The Special Representative and all members of UNSOM shall be exempt from prohibitions, restrictions or procedures that may obstruct or cause delay or hindrance to their entry into Somalia, including immigration inspection and restrictions. They shall also be exempt from

payment of any taxes, fees or charges on entering into or departing from Somalia, including airport and departure taxes. The Government shall establish special facilities where possible at airports to facilitate such entry and departure. Members of UNSOM shall also be exempt from any regulations governing the residence of aliens in Somalia, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in Somalia.

- (xi) Paragraph 36 shall be amended to read as follows:

United Nations Security Officers may wear the United Nations uniform. United Nations civilian police advisers, United Nations military advisers and military personnel of national contingents assigned to UNSOM's guard unit may wear the national military or police uniform of their respective States, with standard United Nations accoutrements. United Nations Security Officers, United Nations civilian police advisers, United Nations military advisers and military personnel of national contingents assigned to UNSOM's guard unit may possess and carry firearms and ammunition and other items of military and policing equipment, including global positioning devices, while on official duty in accordance with their orders. When doing so, they must wear their respective uniforms except as otherwise provided in paragraph 37 or specifically agreed with the Government.

- (xii) Paragraph 39 shall be amended to read as follows:

UN SOM shall inform the Government, on a regular basis, of the number of United Nations security officers, close protection officers, United Nations civilian police officers, United Nations military advisers and military personnel of national contingents assigned to UNSOM's guard unit.

- (xiii) Paragraph 55 shall be amended to read as follows:

Should the Government consider that any member of UNSOM has committed a criminal offence, it shall promptly inform the Special Representative and present to him or her any evidence available to it. Subject to the provisions of paragraph 24:

- (a) If the accused is an official of the United Nations assigned to serve with UNSOM or a United Nations Volunteer assigned to serve with UNSOM or other persons assigned to perform missions for UNSOM, the Special Representative shall conduct any necessary supplementary inquiry and then agree with the Government whether or not criminal proceedings should be instituted. Failing such agreement the question shall be resolved as provided in paragraph 61 of the present Agreement. In the event that criminal proceedings are instituted in accordance with