## No. 53863\*

## United Nations and The former Yugoslav Republic of Macedonia

Exchange of letters constituting an agreement between the United Nations and the Government of The former Yugoslav Republic of Macedonia concerning the status of the United Nations Interim Administration Mission in Kosovo (UNMIK) Liaison Office in The former Yugoslav Republic of Macedonia (with note verbale). New York, 7 February 2001, and Skopje, 27 February 2001

Entry into force: 27 February 2001, in accordance with the provisions of the said letters

Authentic text: English

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# Organisation des Nations Unies et Ex-République yougoslave de Macédoine

Échange de lettres constituant un accord entre l'Organisation des Nations Unies et le Gouvernement de l'ex-République yougoslave de Macédoine relatif au statut du Bureau de liaison de la Mission d'administration intérimaire des Nations Unies au Kosovo (MINUK) en ex-République yougoslave de Macédoine (avec note verbale). New York, 7 février 2001, et Skopje, 27 février 2001

Entrée en vigueur: 27 février 2001, conformément aux dispositions desdites lettres

**Texte authentique:** anglais

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<sup>\*</sup>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 ]

### UNITED NATIONS



### NATIONS UNIES

POSTAL ADDRESS--ACRESSE POSTALE UNITED NATIONS, H Y IDDIT CABLE ADDRESS-ADRESS TELEGRAPHIQUE UNATIONS NEWYORK

7 February 2001

#### Excellency,

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- I have the honour to refer to resolution 1244 (1999) of 10 June 1999 by which the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, decided on the deployment in Kosovo, Federal Republic of Yugoslavia, under the United Nations auspices, of civil and security presences, with appropriate equipment and personnel as required. By that same resolution, the Security Council authorized the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo, known as the United Nations Interim Administration Mission in Kosovo (UNMIK). I also have the honour to refer to paragraph 52 of the report of the Secretary-General to the Security Council of 12 July 1999 on UNMIK (S/1999/779) pursuant to which the Secretary-General expressed a desire to open a United Nations liaison office in Skopje in order to address issues affecting UNMIK, as well as to assist the Special Representative of the Secretary-General for UNMIK (the SRSG) in his contacts with authorities in the former Yugoslav Republic of Macedonia.
- 2. To ensure the effective discharge of its functions and the implementation of its mandate, UNMIK requires the continued cooperation of the Government of the former Yugoslav Republic of Macedonia (hereinafter referred to as the Government) in view, in particular, of the purposes of the liaison office as outlined in paragraph 1 above, the frequency of the movement of the members of UNMIK, its logistical supplies and equipment, and the need to support and facilitate the activities of UNMIK.
- For this purpose, I propose that your Government, extend to UNMIK, its property, funds and assets and its members listed in paragraph 4 (a), (b), (c) and (d) below, the privileges and immunities provided in the Convention on Privileges and Immunities of the United Nations to which the former Yugoslav Republic of Macedonia is a Party (the Convention).

His Excellency Dr. Srgan Kerim Minister of Foreign Affairs of the former Yugoslav Republic of Macedonia Skopje

- 4. I propose, in particular, that your Government extend to:
  - (a) the Special Representative of the Secretary-General and other high-ranking members of UNMIK whose names shall be communicated to the Government for that purpose, 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 assigned to serve with UNMIK, the privileges and immunities to which they are entitled under Article V and VII of the Convention. Locally recruited members of UNMIK, who are nationals or permanent residents of the former Yugoslav Republic of Macedonia, 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) other persons assigned to perform missions for the United Nations or any of the relevant international organizations providing assistance to UNMIK, including United Nations civilian police and United Nations military liaison officers, shall enjoy, in the discharge of their functions, the privileges and immunities accorded to experts performing missions for the United Nations under Article VI of the Convention;
  - (d) the officials or international staff of other relevant international organizations assigned to serve with UNMIK, privileges and immunities as referred to under paragraph (b) above unless superseded by separate agreements between these organizations and your Government;
  - (e) UNMIK and its members shall refrain from any action incompatible with the impartial and international nature of their duties or inconsistent with the spirit of the present arrangement. UNMIK and its members shall respect all local laws and regulations. The Government undertakes to respect the exclusively international nature of UNMIK.
- 5. Privileges and Immunities are granted to UNMIK members in the interests of UNMIK and not for the personal benefit of the individuals themselves. The SRSG shall have the right and the duty to waive the immunity of any person in any case where in his opinion the immunity would impede the course of justice and can be waived without prejudice to the interests of UNMIK. In relation to personnel of the Institution-building and Reconstruction components, any waiver of immunity shall be carried out in consultation with the Heads of these components.
- 6. UNMIK shall co-operate at all times with the appropriate local authorities to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this letter.

- 7. The privileges and immunities necessary for the fulfillment of the functions of UNMIK also include:
  - (i) the United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is, however, expressly understood that no waiver shall extend to any measure of execution:
  - (ii) the archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located;
  - (iii) UNMIK shall be exempt from duties, taxes and charges except charges for services rendered. Special arrangements shall be made between UNMIK and the Government regarding the exemption and/or refund of the value-added tax;
  - (iv) freedom of entry and exit without delay or hindrance, of its members, their property, and means of transport. For the purposes of entering the territory of the former Yugoslav Republic of Macedonia, the United Nations laissez-passer, or a national passport with the United Nations Certificate or the UNMIK identity card will be required. Holders of a United Nations laissez-passer, or a national passport together with a United Nations Certificate or UNMIK identity card shall be exempt from any visa requirements. While UNMIK members shall be exempt from visa requirements and completion of entry/exit forms, they shall be required to present for identification, but not to surrender, such documents. The Government shall issue to UNMIK members, free of charge, without any restrictions and as promptly as possible, visas in any case where required. Samples of the United Nations laissez-p...sser, United Nations Certificate and UNMIK identity cards shall be submitted to the Government.

The Government shall especially facilitate the speedy travel and easy passage of UNMIK members and means of transport when entering to or exiting from Kosovo, Federal Republic of Yugoslavia. The passage of the United Nations Bus shall be accorded priority. The following special arrangements to expedite its movement will apply:

UNMIK shall prepare a list of passengers detailing the name, the number of the travel document used for the purpose of crossing the border, and the nationality of the holder of the travel document.

Immediately upon arrival in the border area, preferred assistance will be given to the passage of the Bus.

- A representative of the competent authorities shall come on board the Bus to expeditiously process the identification of the passengers. The list of passengers will be provided to the representative to facilitate such process.
- (v) freedom of movement throughout the country, except in the designated security zones, of UNMIK, its members, property, equipment and means of transport. UNMIK, its members, their vehicles and aircraft shall use roads, bridges and airfields without the payment of dues, tolls, landing fees, parking fees, overflight fees and charges;
- (vi) entry and exit without delay or hindrance of UNMIK including its property, vehicles, any equipment and spare parts, provisions, supplies, materials and other goods (referred to hereinafter as "property and goods") free of any restrictions and payment of duties, charges or taxes. United Nations vehicles used for such transport shall carry a cargo manifest indicating the destination of the cargo;
- (vii) The Government shall issue any necessary authorizations, permits and licenses, for the importation or purchase of any property and goods free of any restrictions and without the payment of duties, charges or taxes;
- (viii) acceptance by the Government of permits or licenses issued by the United Nations or other relevant international organizations for the operation of vehicles used in support of UNMIK (samples of such documents shall be submitted to the Government); acceptance by the Government or where necessary, validation by the Government, free of charge and without any restriction of licenses and certificates already issued by appropriate authorities in other States in respect of aircraft used in support of UNMIK; prompt issuance by the Government, free of charge and without any restrictions, of necessary authorizations, licenses and certificates, where required for the acquisition, use, operation and maintenance of aircraft used in support of UNMIK;
- (ix) right to fly the United Nations flag and place distinctive United Nations identification or the flag and distinctive identification of other relevant international organizations on premises, vehicles and aircraft used in support of UNMIK:
- (x) right to unrestricted communication by radio, satellite or other forms of communication with the Headquarters and between the various offices and to connect with the Organizations' radio and satellite network, as well as by telephone, facsimile and other electronic data systems. The frequencies on which the communication by radio will operate shall be decided upon in cooperation with the Government;
- (xi) right to make arrangements through its own facilities for the processing and transport of mail addressed to or emanating from members of UNMIK. The