



**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**

I. DEFINITIONS

1. For the purpose of the present Agreement the following definitions shall apply:
 - (a) "UNSOM" means the United Nations Assistance Mission in Somalia, established by the Security Council resolution 2102 (2013) of 1 May 2013;
 - (b) "Special Representative" means the Special Representative for Somalia appointed by the Secretary-General of the United Nations. Any reference to the Special Representative in this Agreement shall, except in paragraph 24, include any member of UNSOM to whom he or she delegates a specified function or authority. It shall also include, including in paragraph 24, any member of UNSOM whom the Secretary-General may designate as acting Head of Mission of UNSOM following the death or resignation of the Special Representative or in the event of his or her incapacity;
 - (c) "member 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;
 - (d) "the Government" means the Government of the Federal Republic of Somalia;
 - (e) "the territory" means the territory of Somalia;
 - (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 Somalia is a Party;

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

(h) “vehicles” means vehicles in use by the United Nations and operated by members of UNSOM or contractors in support of UNSOM activities;

(i) “aircraft” means aircraft in use by the United Nations and operated by members of UNSOM or contractors in support of UNSOM activities.

(j) “vessels” means vessels in use by the United Nations and operated by members of UNSOM or contractors in support of UNSOM 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 and any privilege, immunity, exemption, facility or concession granted to UNSOM or to any member of UNSOM or to its contractors shall apply in Somalia only.

III. APPLICATION OF THE CONVENTION

3. UNSOM, its property, funds and assets and its members shall enjoy the privileges and immunities, exemptions and facilities specified in the present Agreement, as well as those provided for in the Convention.

IV. STATUS OF UNSOM

4. UNSOM 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 Agreement. UNSOM 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.

5. The Government undertakes to respect the exclusively international nature of UNSOM.



United Nations flag, markings and identification

6. The Government recognizes the right of UNSOM to display the United Nations flag on its headquarters and other premises, on its vehicles, aircraft, vessels and otherwise as decided by the Special Representative.
7. Vehicles, vessels and aircraft of UNSOM shall carry a distinctive United Nations identification, which shall be notified to the Government by the Special Representative.

Communications

8. UNSOM shall enjoy the facilities in respect of communications that are provided for 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.

9. Subject to the provisions of paragraph 8:

(a) UNSOM shall have the right to establish, install and operate United Nations radio stations under its exclusive control to disseminate to the public in Somalia information relating to its mandate and promote understanding among the public of UNSOM's role. Programmes broadcast on such stations shall be under the exclusive editorial control of UNSOM and shall not be subject to any form of censorship. UNSOM 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. If no decision has been reached fifteen (15) working days after the matter has been raised by UNSOM with the Government, the Government shall immediately allocate suitable frequencies for use by such stations. UNSOM 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. However, UNSOM will not claim exemption from fees which are in fact no more than charges for services rendered, it being understood that such charges shall be charged at the most favourable rate.

(b) UNSOM shall have the right to disseminate to the public in Somalia and to the public abroad information relating to its mandate through electronic media, including websites, social media, webcasts, data feeds and online and messaging services. The content of data disseminated through such media shall be under the exclusive editorial control of UNSOM and shall not be subject to any form of censorship. UNSOM shall be exempt from any prohibitions or restrictions regarding the production or dissemination of such data, including any requirement that permits be obtained or issued for such purposes.



(c) UNSOM shall have the right to disseminate to Somalia information relating to its mandate through official printed materials and publications, which UNSOM may produce itself or through private publishing companies in Somalia. The content of such materials and publications shall be under the exclusive editorial control of UNSOM and shall not be subject to any form of censorship. UNSOM 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 Somalia which UNSOM may use for the production, publication or dissemination of such materials or publications.

(d) UNSOM shall have the right to install and to operate radio sending, receiving and repeater stations, as well as satellite systems, in order to connect appropriate points within the territory of Somalia 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 UNSOM with the Government, the Government shall immediately allocate suitable frequencies to UNSOM for this purpose. UNSOM shall be exempt from any and all taxes on, and from any and all fees for, the allocation of frequencies for this purpose, as well as from any and all taxes on, and from any and all fees for, their use. However, UNSOM will not claim exemption from fees which are in fact no more than charges for services rendered, it being understood that such charges shall be charged at the most favourable rate.

(e) UNSOM shall enjoy, within the territory of Somalia, the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, electronic mail, facsimile or any other means, and the right to establish the necessary facilities for maintaining such communications within and between premises of UNSOM, including the laying of cables and land lines and the establishment of fixed and mobile radio sending, receiving and repeater stations. The frequencies on which the radio may operate and the areas of land on which sending, receiving and repeater stations may be erected shall be decided upon in cooperation with the Government and shall be allocated expeditiously. The Government shall, within fifteen (15) working days of being so requested by UNSOM, allocate suitable frequencies to UNSOM for this purpose. UNSOM shall be exempt from any and all taxes on, and from any and all fees for, the allocation of frequencies for this purpose, as well as from all taxes on, and from any and all fees for, their use. However, UNSOM will not claim exemption from fees which are in fact no more than charges for services rendered, it being understood that

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such charges shall be charged at the most favourable rate. Connections with local telephone and electronic data systems may be made only after consultation and in accordance with arrangements made with the Government. Use of those local systems by UNSOM shall be charged at the most favourable rate.

(f) UNSOM may make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of UNSOM. The Government shall be informed of the nature of such arrangements and shall not interfere with or apply censorship to the mail of UNSOM or its members. In the event that postal arrangements applying to private mail of members of UNSOM 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

10. UNSOM, its members and contractors, together with their property, equipment, provisions, supplies, fuel, materials and other goods, including spare parts, as well as vehicles, aircraft and vessels, including the vehicles, aircraft and vessels of contractors used exclusively in the performance of services for UNSOM, shall enjoy full freedom of movement without delay throughout Somalia by the most direct route possible for the purpose of executing the tasks defined in UNSOM 's mandate and without the need for travel permits or prior authorization or notification, except in the case of movements by air, which will comply with the generally applicable procedural requirements for flight planning and operations within the airspace of Somalia as promulgated, and as specifically notified to UNSOM, by the civil aviation authority of Somalia. The Government shall, where necessary, provide UNSOM with available 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 UNSOM 's movements and ensuring the safety and security of its members.

11. Vehicles, vessels and aircraft shall not be subject to registration or licensing by the Government, it being understood that copies of all relevant certificates issued by appropriate authorities in other States in respect of aircraft shall be provided by UNSOM to the civil aviation authority of Somalia and that all vehicles, aircraft and vessels shall carry third party insurance.

12. UNSOM and its members and contractors, as well as vehicles, aircraft and vessels, including vehicles, aircraft and vessels of its contractors used exclusively in the performance of services for UNSOM, may use roads, bridges, canals and other waterways, airfields and airspace, and port facilities without the payment of any form of monetary contributions, dues, tolls, user fees or charges, including airport taxes, landing fees, parking fees, overflight fees, port fees or charges, including wharfage and compulsory pilotage charges. However, UNSOM will not claim exemption from charges which are in fact charges for services rendered, it being understood that such charges shall be charged at the most favourable rates.

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Privileges and immunities of UNSOM

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 Government recognizes in particular:

(a) The right of UNSOM, as well as of its contractors, to import, by the most convenient and direct route by land, sea or air, free of duty, taxes, fees and charges and free of prohibitions and restrictions, equipment, provisions, supplies, fuel, materials and other goods, including spare parts and means of transport, which are for the exclusive and official use of UNSOM or for resale in the commissaries provided for in subparagraph (b). For this purpose, the Government agrees expeditiously to establish, at the request of UNSOM, temporary customs clearance facilities for UNSOM and its contractors at locations in Somalia convenient for UNSOM and its contractors not previously designated as official ports of entry for Somalia;

(b) The right of UNSOM to establish, maintain and operate commissaries at its headquarters and other premises for the benefit of members of UNSOM, but not of locally recruited personnel. Such commissaries may provide goods of a consumable nature and other articles to be specified by the Special Representative in advance. The Special Representative shall take all necessary measures to prevent abuse of such commissaries and the sale or resale of such goods to persons other than members of UNSOM. He or she shall give due consideration to observations or requests by the Government concerning the operation of the commissaries;

(c) The right of UNSOM, as well as of its contractors, to clear ex customs and excise warehouse, free of duty, taxes, fees and charges and free of prohibitions and restrictions, equipment, provisions, supplies, fuel, materials and other goods, including spare parts and means of transport, which are for the exclusive and official use of UNSOM or for resale in the commissaries provided for in subparagraph (b);

(d) The right of UNSOM, as well as of its contractors, to re-export or otherwise dispose of all usable items of property and equipment, including spare parts and means of transport, and all unconsumed provisions, supplies, materials, fuel and other goods which have previously been imported, cleared ex customs and excise warehouse or purchased locally for the exclusive and official use of UNSOM and which are not transferred, or otherwise disposed of, on terms and conditions to be agreed upon, to the competent local authorities of Somalia or to an entity or entities nominated by them.

To the end that such importation, clearances, transfer or exportation may be effected with the least possible delay, a mutually satisfactory procedure, including documentation, shall be agreed between UNSOM and the Government at the earliest possible date.

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V. FACILITIES FOR UNSOM AND ITS CONTRACTORS

Premises required for conducting the operational and administrative activities of UNSOM

14. The Government shall provide, without cost to UNSOM, in agreement with the Special Representative and for as long as may be required, such areas for the headquarters and other premises as may be necessary for the conduct of the operational and administrative activities of UNSOM, including the establishment of the necessary facilities for maintaining communications in accordance with paragraph 9. Without prejudice to the fact that all such premises remain the territory of Somalia, they shall be inviolable and subject to the exclusive control and authority of the United Nations. The Government shall guarantee unimpeded access to such United Nations premises.

15. The Government undertakes to assist UNSOM in obtaining and making available, where applicable, water, sewerage, electricity and other facilities free of charge, or, where this is not possible, at the most favourable rate, and free of all fees, duties and taxes, including value added tax. Where such utilities or facilities are not provided free of charge, payment shall be made by UNSOM on terms to be agreed with the competent authority. UNSOM shall be responsible for the maintenance and upkeep of facilities so provided. In the event of interruption or threatened interruption of service, the Government undertakes to give, as far as is within its powers, the same priority to the needs of UNSOM as to essential government services.

16. UNSOM shall have the right, where necessary, to generate, within its premises, electricity for its use and to transmit and distribute such electricity. It shall also have the right, where necessary, to construct water wells and waste water treatment systems within its premises for its own use.

17. Any government official or any other person seeking entry to UNSOM premises shall obtain the permission of the Special Representative.

Provisions, supplies and services, and sanitary arrangements

18. The Government agrees to grant promptly, upon presentation by UNSOM or by its contractors of a bill of lading, airway bill, cargo manifest or packing list, all necessary authorizations, permits and licenses required for the import of equipment, provisions, supplies, fuel, materials and other goods, including spare parts and means of transport, for the exclusive and official use of UNSOM, including in respect of import by its contractors, free of any prohibitions and restrictions and without the payment of monetary contributions or duties, fees, charges or taxes, including value-added tax. The Government likewise agrees to grant promptly all necessary authorizations, permits and licenses required for the purchase or export of such goods, including in respect of purchase or export by UNSOM's contractors, free of any prohibitions and restrictions and without the payment of monetary contributions, duties, fees, charges or taxes.



19. The Government undertakes to assist UNSOM as far as possible in obtaining equipment, provisions, supplies, fuel, materials and other goods and services from local sources required for its subsistence and operations. In respect of equipment, provisions, supplies, fuel, materials and other goods and services purchased locally by UNSOM or by its contractors for the official and exclusive use of UNSOM, the Government shall make appropriate administrative arrangements for the remission or return of any excise, tax or monetary contribution payable as part of the price. The Government shall exempt UNSOM and its contractors from general sales taxes in respect of all local purchases for the exclusive and official use of UNSOM. In making purchases on the local market, UNSOM shall, on the basis of observations made and information provided by the Government in that respect, avoid any adverse effect on the local economy.

20. For the proper performance of the services in support of UNSOM provided by its contractors, other than Somali nationals resident in Somalia, the Government agrees to provide such contractors with facilities for their entry into and departure from Somalia, without delay or hindrance, and for their residence in Somalia, as well as for their repatriation in time of crisis. For this purpose, the Government shall promptly issue to such contractors, free of charge and without any restrictions and within forty-eight (48) hours (two (2) business days) of application, all necessary visas, licenses and permits. UNSOM's contractors, other than Somali nationals resident in Somalia, shall be accorded exemption from taxes and monetary contributions in Somalia on services, equipment, provisions, supplies, fuel, materials and other goods, including spare parts and means of transport, provided to UNSOM, including corporate, income, social security and other similar taxes arising directly from or related directly to the provision of such services or goods.

21. UNSOM and the Government shall cooperate with respect to sanitary services and shall extend to each other their fullest cooperation in matters concerning health, particularly with respect to the control of communicable diseases, in accordance with international conventions.

Recruitment of local personnel

22. UNSOM may recruit locally such personnel as it requires. Upon the request of the Special Representative, the Government undertakes to facilitate the recruitment of qualified local staff by UNSOM and to accelerate the process of such recruitment.

Currency

23. The Government undertakes to make available to UNSOM, against reimbursement in mutually acceptable currency, local currency required for the use of UNSOM, including the pay of its members, at the rate of exchange most favourable to UNSOM.



VI. STATUS OF THE MEMBERS OF UNSOM

Privileges and immunities

24. The Special Representative, the Deputy Special Representatives of the Secretary-General, the Chief of Staff, the Director of Mission Support and such other members of UNSOM of equivalent ranks as may be notified to the Government by the Special Representative shall have the status specified in Sections 19 and 27 of the Convention and shall be accorded the privileges and immunities, exemptions and facilities there provided.
25. Officials of the United Nations assigned to serve with UNSOM remain officials of the United Nations entitled to the privileges and immunities, exemptions and facilities set out in Articles V and VII of the Convention.
26. United Nations Volunteers assigned to serve with UNSOM shall be assimilated to officials of the United Nations assigned to serve with UNSOM and shall accordingly enjoy the privileges and immunities, exemptions and facilities set out in Articles V and VII of the Convention.
27. United Nations civilian police advisors, United Nations military advisers and civilian personnel, other than United Nations officials whose names are for that purpose notified to the Government by the Special Representative, shall be considered as experts on mission within the meaning of Article VI of the Convention and shall enjoy the privileges, immunities, exemptions and facilities set out in that Article and in Article VII.
28. Locally recruited personnel of UNSOM shall enjoy the immunity concerning official acts, the exemption from taxation and the immunity from national service obligations provided for in Sections 18 (a), (b) and (c) of the Convention.
29. Members of UNSOM, including locally recruited personnel, shall be exempt from taxation on the pay and emoluments received from the United Nations. 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.
30. Members of UNSOM shall have the right to import free of duty their personal effects in connection with their arrival in Somalia. They shall be subject to the laws and regulations of Somalia governing customs and foreign exchange with respect to personal property not required by them by reason of their presence in Somalia with UNSOM. The Government shall, as far as possible, give priority for the speedy processing of entry and exit formalities for all members of UNSOM upon prior written notification. On departure from Somalia, members of UNSOM may, notwithstanding the above-mentioned exchange regulations, take with them such funds as the Special Representative certifies were received in pay and emoluments from the United Nations and are a reasonable residue

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thereof. Special arrangements shall be made for the implementation of the present provisions in the interests of the Government and the members of UNSOM.

31. The Special Representative shall cooperate with the Government and shall render all assistance within his or her power in ensuring the observance of the customs and fiscal laws and regulations of Somalia by members of UNSOM, in accordance with the present Agreement.

Entry, residence and departure

32. The Special Representative and members of UNSOM shall, whenever so required by the Special Representative, have the right to enter into, reside in and depart from Somalia.

33. 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 certificate, 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 Special Representative and 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.

Identification

34. The Special Representative shall issue to each member of UNSOM, before or as soon as possible after such member's first entry into Somalia, as well as to all locally recruited personnel and to UNSOM's contractors, a numbered identity card showing the bearer's name and photograph. Except as provided for in paragraph 34 of the present Agreement, such identity card shall be the only document required of a member of UNSOM.

35. Members of UNSOM, as well as its locally recruited personnel and contractors, shall be required to present, but not to surrender, their UNSOM identity cards upon the demand of an appropriate official of the Government.



Uniforms and arms

36. United Nations Security Officers may wear the United Nations uniform. United Nations civilian police advisers and United Nations military advisers 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 and United Nations military advisers 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.

37. United Nations close protection officers and United Nations Security Officers serving in close protection details may carry firearms and ammunition and other items of military and policing equipment, including global positioning devices, and wear civilian clothes while performing their official functions.

38. UNSOM shall keep the Government informed of the number and the types of firearms carried by United Nations Security Officers and close protection officers and of the names of the officers carrying them.

39. UNSOM shall inform the Government, on a regular basis, the number of United Nations security officers, close protection officers, United Nations civilian police officers and United Nations military advisers.

Permits and licenses

40. The Government agrees to accept as valid, without tax or fee, a permit or license issued by the Special Representative for the operation by any member of UNSOM, including locally recruited personnel, of any UNSOM vehicle and for the practice of any profession in connection with the functioning of UNSOM, provided that no such permit or license shall be issued to any member of UNSOM who is not already in possession of an appropriate and valid national or international permit or license for the purpose concerned.

41. The Government agrees to accept as valid, and where necessary promptly to validate, free of charge and without any restrictions, licenses and certificates already issued by appropriate authorities in other States in respect of aircraft and vessels, including those operated by contractors exclusively for UNSOM. Without prejudice to the foregoing, the Government further agrees to grant promptly, free of charge and without any restrictions, necessary authorizations, licenses and certificates, where required, for the acquisition, use, operation and maintenance of aircraft and vessels.

42. Without prejudice to the provisions of paragraphs 36 and 37, the Government further agrees to accept as valid, without tax or fee, permits or licenses issued by the Special Representative to members of UNSOM for the carrying or use of firearms or ammunition in connection with the functioning of UNSOM.

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Arrest and transfer of custody and mutual assistance

43. The Special Representative shall take all appropriate measures to ensure the maintenance of discipline and good order among members of UNSOM, including locally recruited personnel. To this end, personnel designated by the Special Representative shall patrol the premises of UNSOM and areas where its members are deployed. Elsewhere, such personnel shall be employed only subject to arrangements with the Government and in liaison with it in so far as such employment is necessary to maintain discipline and order among members of UNSOM.

44. The personnel mentioned in paragraph 43 above may take into custody any person on the premises of UNSOM. Such person shall be delivered immediately to the nearest appropriate official of the Government for the purpose of dealing with any offence or disturbance on such premises.

45. Subject to the provisions of paragraphs 24 and 27, officials of the Government may take into custody any member of UNSOM:

(a) When so requested by the Special Representative; or

(b) When such a member of UNSOM is apprehended in the commission or attempted commission of a criminal offence. Such person shall be delivered immediately, together with any item seized, to the nearest appropriate representative of UNSOM, whereafter the provisions of paragraph 55 shall apply *mutatis mutandis*.

46. When a person is taken into custody under paragraph 44 or paragraph 45 (b), UNSOM or the Government, as the case may be, may make a preliminary interrogation, but may not delay the transfer of custody. Following such transfer, the person concerned shall be made available upon request to the arresting authority for further interrogation.

47. UNSOM and the Government shall assist each other in carrying out all necessary investigations into offences in respect of which either or both have an interest, in the production of witnesses and in the collection and production of evidence, including the seizure of and, if appropriate, the handing over of items connected with an offence. The handing over of any such items may be made subject to their return on the terms specified by the authority delivering them. Each party shall notify the other of the disposition of any case in the outcome of which the other may have an interest or in which there has been a transfer of custody under the provisions of paragraphs 44 to 46.

Safety and security

48. The Government shall take all necessary steps within its power to ensure the safety, security and freedom of movement of the United Nations, its personnel, associated personnel and their property and assets.



49. Pursuant to its responsibilities as set out in paragraph 48 above, the Government shall, upon the request of the SRSG:

- (a) provide a sufficient number of personnel for the protection of United Nations property and premises and for the removal of any security threat or persons from those premises;
- (b) provide appropriate security, including armed escorts, to protect the members of UNSOM during the exercise of their functions.

When making any request under this paragraph, the SRSG shall provide the Government with a description of the property, premises or duties of the personnel to be protected and any other information that might reasonably be required in order for the Government to be able effectively to discharge its responsibilities as set out in this paragraph and paragraph 48 above.

50. The Government shall discharge its responsibilities as set out in paragraphs 48 and 49 above in close coordination and consultation with UNSOM. In order to facilitate such coordination and consultation, the Government shall provide a liaison officer of appropriate senior rank to coordinate security arrangements with a designated security official of the United Nations.

51. The Government shall regularly provide UNSOM with reports on the security situation in the country in so far as that situation might affect the safety and security of offices, premises and personnel of the United Nations and shall immediately notify UNSOM of existing or potential threats to the offices, premises and personnel of the United Nations.

52. Detailed arrangements regarding the measures that the Government shall take in order to provide for the security of personnel and facilities of the United Nations shall, as necessary, be set out in supplemental arrangements to the present Agreement.

50. Pursuant to its responsibilities as set out in paragraph 48 above, the Government shall ensure that the provisions of the Convention on the Safety of United Nations and Associated Personnel are applied to in respect of UNSOM and its property, assets and members. In particular:

- (a) the Government shall take all appropriate measures to ensure the safety and security of members of UNSOM and its associated personnel. It shall take all appropriate steps to protect members of UNSOM and its associated personnel, their equipment and premises from attack or any action that prevents them from discharging their mandate. This is without prejudice to the fact that all premises of UNSOM are inviolable and subject to the exclusive control and authority of the United Nations;

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(b) if members of UNSOM or its associated personnel are captured, detained or held hostage in the course of the performance of their duties and their identification has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to the United Nations or other appropriate authorities. Pending their release, such personnel shall be treated in accordance with universally recognized standards of human rights;

(c) the Government shall establish the following acts as crimes and make them punishable by appropriate penalties, taking into account their grave nature:

(i) a murder, kidnapping or other attack upon the person or liberty of any member of UNSOM or its associated personnel;

(ii) a violent attack upon the official premises, the private accommodation or the means of transportation of any member of UNSOM or its associated personnel likely to endanger his or her person or liberty;

(iii) a threat to commit any such attack with the objective of compelling a physical or juridical person to do or to refrain from doing any act;

(iv) an attempt to commit any such attack; and

(v) an act constituting participation as an accomplice in any such attack, or in an attempt to commit such attack, or in organizing or ordering others to commit such attack.

(d) the Government shall establish its jurisdiction over the crimes set out in subparagraph (c) above: (i) when the crime was committed on the territory of Somalia; (ii) when the alleged offender is a national of Somalia; (iii) when the alleged offender, other than a member of UNSOM, is present in Somalia, unless it has extradited such a person to the State on whose territory the crime was committed, or to the State of his or her nationality, or to the State of his or her habitual residence if he or she is a stateless person, or to the State of the nationality of the victim.

(e) the Government shall ensure the prosecution without exception and without delay of persons accused of acts described in subparagraph (c) above who are present within Somalia (if the Government does not extradite them) as well as those persons that are subject to its criminal jurisdiction who are accused of other acts in relation to UNSOM or its members or associated personnel which, if committed in relation to the forces of the Government or against the local civilian population, would have rendered such acts liable to prosecution.

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Jurisdiction

54. All members of UNSOM, including locally recruited personnel, shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue even after they cease to be members of or employed by or for UNSOM and after the expiration of the other provisions of the present Agreement.

55. 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, 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 the present Agreement, the courts and authorities of Somalia shall ensure that the member of UNSOM concerned is prosecuted, brought to trial and tried in accordance with international standards of justice, fairness and due process of law, as set out in the International Covenant on Civil and Political Rights (the "Covenant"), to which Somalia is a Party. No sentence of death will be imposed in the event of a guilty verdict.

56. If any civil proceeding is instituted against a member of UNSOM before any court of Somalia, the Special Representative shall be notified immediately and he or she shall certify to the court whether or not the proceeding is related to the official duties of such member.

(a) If the Special Representative certifies that the proceeding is related to official duties, such proceeding shall be discontinued and the provisions of paragraph 59 of the present Agreement shall apply.

(b) If the Special Representative certifies that the proceeding is not related to official duties, the proceeding may continue. In that event, the courts and authorities of Somalia shall grant the member of UNSOM concerned sufficient opportunity to safeguard his or her rights in accordance with due process of law and shall ensure that the suit is conducted in accordance with international standards of justice, fairness and due process of law, as set out in the Covenant. If the Special Representative certifies that a member of UNSOM is unable, because of his or her official duties or authorized absence, to protect his or her interests in the proceeding, the court shall, at the defendant's request, suspend the proceeding until the elimination of the disability, but for no more than ninety (90) days. Property of a member of UNSOM that is certified by the Special Representative to be needed by the defendant for the fulfilment of his or her official duties shall be free from seizure for the satisfaction of a judgement, decision or order. The personal liberty of a member of UNSOM shall not be restricted in a civil proceeding, whether to enforce a judgement, decision or order, to compel an oath or for any other reason.



Deceased members

57. The Special Representative or the Secretary-General of the United Nations shall have the right to take charge of and dispose of the body of a member of UNSOM who dies in Somalia, as well as that member's personal property located within Somalia, in accordance with United Nations procedures.

VII. LIMITATION OF LIABILITY OF THE UNITED NATIONS

58. Third party claims for property loss or damage and for personal injury, illness or death, arising from or directly attributed to UNSOM and which cannot be settled through the internal procedures of the United Nations, shall be settled by the United Nations in the manner provided for in paragraph 60 of the present Agreement, provided that the claim is submitted within six (6) months following the occurrence of the loss, damage or injury or, if the claimant did not know or could not reasonably have known of such loss or injury, within six (6) months from the time he or she had discovered the loss or injury, but in any event not later than one (1) year after the termination of the mandate of the operation. Upon determination of liability as provided in this Agreement, the United Nations shall pay compensation within such financial limitations as have been approved by the General Assembly in its resolution 52/247 of 26 June 1998.

VIII. SETTLEMENT OF DISPUTES

59. Except as provided in paragraph 61, any dispute or claim of a private law character to which UNSOM or any member thereof is a party and over which the courts of Somalia do not have jurisdiction because of any provision of the present Agreement shall be settled by a standing claims commission to be established for that purpose. One member of the commission shall be appointed by the Secretary-General of the United Nations, one member by the Government and a chairman jointly by the Secretary-General and the Government. If no agreement as to the chairman is reached within thirty (30) days of the appointment of the first member of the commission, the President of the International Court of Justice may, at the request of either the Secretary-General of the United Nations or the Government, appoint the chairman. Any vacancy on the commission shall be filled by the same method prescribed for the original appointment, provided that the thirty-day period there prescribed shall start as soon as there is a vacancy in the chairmanship. The commission shall determine its own procedures, provided that any two members shall constitute a quorum for all purposes (except for a period of thirty days after the creation of a vacancy) and all decisions shall require the approval of any two members. The awards of the commission shall be final. The awards of the commission shall be notified to the parties and, if against a member of UNSOM, the Special Representative or the Secretary-General of the United Nations shall use his or her best endeavours to ensure compliance.

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60. Disputes concerning the terms of employment and conditions of service of locally recruited personnel shall be settled in accordance the regulations and rules of the United Nations.

61. All other disputes between UNSOM and the Government concerning the interpretation or application of the present Agreement that are not settled by negotiation shall, unless otherwise agreed by the parties, be submitted to a tribunal of three arbitrators. The provisions relating to the establishment and procedures of the claims commission set out in paragraph 59 shall apply, *mutatis mutandis*, to the establishment and procedures of the tribunal. The decisions of the tribunal shall be final and binding on both parties.

62. All differences between the United Nations and the Government arising out of the interpretation or application of the present arrangements which involve a question of principle concerning the Convention shall be dealt with in accordance with the procedure of section 30 of the Convention.

IX. SUPPLEMENTAL ARRANGEMENTS

63. The Special Representative and the Government may conclude supplemental arrangements to the present Agreement.

X. LIAISON

64. The Special Representative and the Government shall take appropriate measures to ensure close and reciprocal liaison at every appropriate level.

XI. MISCELLANEOUS PROVISIONS

65. Wherever the present Agreement refers to privileges, immunities and rights of UNSOM and to facilities the Government of the Federal Republic of Somalia undertakes to provide to UNSOM, the Government shall have the ultimate responsibility for the implementation and fulfilment of such privileges, immunities, rights and facilities by the appropriate local authorities.

66. The present Agreement shall enter into force immediately upon signature by or for the Secretary-General of the United Nations and the Government.

67. The present Agreement shall remain in force until the departure of the final element of UNSOM from Somalia, except that:

- (a) the provisions of paragraphs 53 (iii), (iv) and (v), 54, 57, 61 and 62 shall remain in force;



(b) the provisions of paragraphs 58 and 59 shall remain in force until all claims made in accordance with the provisions of paragraph 58 have been settled;

(c) the provisions of paragraph 53 (b) shall remain in force until the release or return to the United Nations of any and every member of UNSOM who may have been captured, detained or held hostage in the course of their duties as stipulated in that paragraph;

(d) the provisions of paragraph 53 (e) shall remain in force until the prosecutions mentioned in that paragraph are completed.

68. This Agreement shall apply *mutatis mutandis* to the United Nations Support Office for AMISOM (UNSOA), its property, funds and assets and its officials and experts on mission that are deployed in Somalia.

69. Without prejudice to existing agreements regarding their legal status and operations in Somalia, the provisions of the present Agreement shall apply to offices, funds and programmes of the United Nations, their property, funds and assets and their officials and experts on mission that are deployed in Somalia and perform functions in furtherance of the mandate of UNSOM.

70. Without prejudice to existing agreements regarding their legal status and operations in Somalia, the provisions of the present Agreement may, as appropriate, be extended to specific specialized agencies or related organizations of the United Nations, their property, funds and assets and their officials and experts on mission that are employed in Somalia and perform functions in relation to UNSOM, provided that this is done with the written consent of the Special Representative, the specialized agency or related organization concerned and the Government.

IN WITNESS WHEREOF, the undersigned, being the duly authorized plenipotentiary of the Government and the duly appointed representative of the United Nations, have, on behalf of the Parties, signed the present Agreement.

Done at Mogadishu, on 07th day of February 2014, in two original copies in the English language.

For the United Nations

For the Federal Government of Somalia

Mr. Nicholas Kay
Special Representative of the
Secretary-General for Somalia

H.E. Abdirahman Duale Beyle
Minister of Foreign Affairs and
International Cooperation