

Status of Mission Agreement (SOMA) on the Establishment and Management of the Sri Lanka Monitoring Mission (SLMM)

Colombo, 18 March 2002

Preamble

In accordance with the Ceasefire Agreement, the Government of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as the GOSL) and the Liberation Tigers of Tamil Eelam (hereinafter referred to as the LTTE) have requested the Royal Norwegian Government (hereinafter referred to as RNG) to organise, equip and establish an international mission, called the Sri Lanka Monitoring Mission (hereinafter referred to as the SLMM), to monitor the implementation of the Ceasefire Agreement.

The GOSL and the LTTE have stressed the importance of international monitoring of the ceasefire, expressed their willingness to facilitate and support the establishment and administration of the SLMM, and guaranteed their co-operation with the Mission.

The RNG has accepted this request with the understanding that the SLMM will conduct international verification through on-site monitoring in accordance with the Ceasefire Agreement. It is, however, understood that the effect of the SLMM will depend on the parties' willingness to abide with recommendations from SLMM.

Based on Ceasefire Agreement and the above, the GOSL and the RNG have concluded a Status of Mission Agreement (hereinafter referred to as the SOMA), in which the status, privileges and immunities of the Sri Lanka Monitoring Mission and its members are defined and set out. The LTTE has in writing declared its willingness to fully implement all parts of this SOMA.

The establishment of SLMM constitutes a Specific Agreement under Article II in the Agreement between Norway and Sri Lanka regarding Cooperation for Promotion of the Economic and Social development of Sri Lanka, dated 3 December 1986 and prolonged by an Addendum dated 7 October 1992 ("the Main Agreement").

Article 1: General provisions

The RNG undertakes to coordinate, facilitate and lead the establishment of the SLMM. The members of the Mission will be recruited from among citizens of the Nordic countries. The Mission and its members shall have such status, privileges and immunities as are conferred on them by this SOMA and any other applicable instrument of international law.

Article 2: The Mission

The premises of the SLMM, its property and assets wherever located and by whomsoever held shall enjoy within Sri Lanka, the same inviolability, jurisdictional immunities and fiscal exemptions as are accorded to the Royal Norwegian Embassy in Sri Lanka and for this purpose shall be deemed to be part of the said Embassy.

1. The premises of the SLMM shall be inviolable.
2. The property and assets of the Mission, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation and expropriation.
3. The archives of the SLMM and in general all its documents in paper or electronic form, including audio-and videotapes, shall be inviolable wherever located and by whomsoever held.
4. The SLMM's property and assets, wherever located and by whomsoever held, shall enjoy immunity from any form of legal process except:
 - (a) In so far as in any particular case it has expressly waived its immunity in writing. It is, however, understood that such waiver of immunity does not extend to any measure of execution.
 - (b) In the case of a civil action brought by a third party for damages arising from an accident caused by use of equipment, including a motor vehicle, belonging to or operated on behalf of the Mission.

Taxes and duties

In accordance with the Main Agreement, the following will apply to the SLMM:

5. The Mission has the right to import operational supplies and equipment free of import taxes and duties.

6. The SLMM will be reimbursed for Value Added Tax (VAT)/Goods and Services Tax on locally procured operational supplies and equipment, and will enjoy privileges concerning taxes on petrol.

7. In meeting its logistical and operational needs, the SLMM may make use (by purchasing and hiring) of local resources, such as communications systems, housing, food, fuel, repairs, medical services, etc.

Equipment

8. As a basis for its reporting activities, the SLMM may use necessary equipment such as maps, compasses, GPS, binoculars, laser range finders, all kind of communications systems, the Internet, e-mail, cameras, videotape recorders, etc.

9. The SLMM is authorized to set up and operate internal communications systems (including mobile-transceiver in all vehicles and to members of the SLMM) and external communication systems (satellite communication).

10. The Government of Sri Lanka will facilitate smooth custom clearance of the SLMM's operational supplies, goods and equipment, including smooth, entries and exits of the SLMM's international personnel.

Article 3: The individual members of the SLMM

All members of the SLMM shall be accorded the same immunities and privileges as are accorded to diplomatic agents under the Vienna Convention on Diplomatic Relations of 18 April 1961. In particular they shall be accorded:

1. Immunity from personal arrest or detention and from legal process in respect of all acts, including words spoken or written, performed by them in the course of duty.
2. Inviolability for all papers and documents.
3. Freedom of movement for the performance of their tasks, including traveling on board GOSL vessels and aircraft. The LTTE has agreed to grant the same access in respect of their vessels.
4. For the purpose of internal and external communications, the SLMM and its members shall have the right to use codes and to receive papers or correspondence by courier or in sealed bags. No official communication directed to the SLMM or to any of its members, nor any outward official communication of the Mission, by whatever means or in whatever form transmitted, shall be detained in any way or suffer any interference with its confidentiality.

Article 4: Laws and regulations

Privileges and immunities are accorded to the SLMM and its members in the interests of efficient and independent fulfillment of the Mission's tasks and not for the personal benefit of the individuals concerned. Without prejudice to their privileges and immunities, the Mission and its members will take all appropriate steps to ensure respect for and compliance with the laws and regulations of Sri Lanka.

Article 5: Clothing, identification and armament

1. The members of the SLMM will wear plain clothes, and be visually recognized by armbands marked with the SLMM emblem.
2. The members of the SLMM will not carry side arms or any other kind of weapons.
3. All vehicles and premises at the disposal of the Mission will be marked with the SLMM emblem.

Article 6: Security, safety and emergencies

The GOSL is responsible for the protection and security arrangements of all SLMM personnel residing in Sri Lanka. The GOSL will, if necessary provide emergency medical aid and assist in providing emergency medical evacuation of SLMM personnel on Sri Lanka territory. The LTTE has agreed in writing to take upon itself the same responsibilities in the areas under its military dominance.

Article 7: Miscellaneous provisions

1. The GOSL will assist SLMM in finding appropriate office space, free of charge, to the SLMM as required and deemed necessary. The LTTE has agreed in writing to take upon itself the same responsibilities in the areas under its military dominance.

2. The GOSL will assist the SLMM in finding appropriate and suitable accommodation for all international personnel. The LTTE has agreed in writing to take upon itself the same responsibilities in the areas under its military dominance.

3. The Norwegian Government and the Participating Nations will bear all expenses of SLMM, except for those incurred under Article 6.

Final Provisions

This Status of Mission Agreement enters into force on the date of its signature, and shall remain in force for the duration of the Sri Lanka Monitoring Mission.

Signed: Colombo 18.03.02

On behalf of the Royal Norwegian Government
On behalf of the Government of the Democratic Socialist Republic of Sri Lanka

Source: Sri Lanka Secretariat for Coordinating the Peace Process (SCOPP)

(Official Website)