

No. 50025

**Netherlands (for the European part of the Netherlands)
and
International Organization for Migration**

Agreement between the Kingdom of the Netherlands and the International Organization for Migration on the legal status, on the privileges and immunities of the Organization and its staff members in the Netherlands. The Hague, 28 March 2012

Entry into force: *1 June 2012 by notification, in accordance with article 19*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Netherlands, 21 August 2012*

**Pays-Bas (pour la partie européenne des Pays-Bas)
et
Organisation internationale pour les migrations**

Accord entre le Royaume des Pays-Bas et l'Organisation internationale pour les migrations relatif au statut juridique, aux privilèges et aux immunités de l'Organisation et des membres de son personnel aux Pays-Bas. La Haye, 28 mars 2012

Entrée en vigueur : *1^{er} juin 2012 par notification, conformément à l'article 19*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Pays-Bas, 21 août 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement between the Kingdom of the Netherlands and the International Organization for Migration on the Legal Status, on the Privileges and Immunities of the Organization and its staff members in the Netherlands

The Kingdom of the Netherlands,
and

The International Organization for Migration, hereinafter called the Organization,

Recalling the *Agreement between the Kingdom of the Netherlands and the International Organization for Migration on the Legal Status, the Privileges and Immunities of the Organization in the Netherlands* concluded on 1 May 1990,

Considering that the Kingdom of the Netherlands is a founding member of the Organization,

Desirous of further strengthening and developing the friendly relations and cooperation between the Kingdom of the Netherlands and the Organization,

Considering that the purpose and functions of the Organization and the activities carried out by the Organization and its staff warrant the granting in the Kingdom of the Netherlands to the Organization and its staff of privileges and immunities substantially identical to those accorded to other intergovernmental organizations in the Netherlands and their staff,

Have agreed as follows:

Article 1

Definitions

In this Agreement:

- a) „Constitution” means the Constitution of the International Organization for Migration;
- b) „Organization” means the International Organization for Migration;
- c) „Chief of Mission” means the Chief of Mission of the Organization in the Netherlands;
- d) „staff member” means any person appointed or recruited for employment with the Organization in the Netherlands to carry out its official activities and subject to IOM staff regulations and rules, except those who are locally recruited and remunerated on an hourly basis;
- e) „members of the family forming part of a Staff member’s household” has the meaning specified in Article 11 of this Agreement;
- f) „Office of the Organization” means the Office of the International Organization for Migration in the Netherlands;
- g) „premises” means the buildings, parts of buildings and land or facilities ancillary thereto, including installations and facilities made available to, or maintained, occupied or used by, the Organization in the Netherlands for the performance of its official activities;
- h) „archives of the Organization” means all records, correspondence, documents, manuscripts, computer and media data, photographs, films, video and sound recordings and any other material belonging to or held by the Organization or any of its staff members in an official function;
- i) „host State” means the Kingdom of the Netherlands;
- j) „Government” means the Government of the Kingdom of the Netherlands;
- k) „the competent authorities” means national, provincial, municipal and other competent authorities under the laws, regulations and customs of the host State;
- l) „The Vienna Convention” means the Vienna Convention on Diplomatic Relations of 18 April 1961.

Article 2

Legal personality

The Organization shall possess full international legal personality in the Netherlands pursuant to Article 27 of the Constitution.

Article 3

Funds, assets and other property

a) The Organization, its funds, assets and other property, wherever located and by whomever held, shall enjoy immunity from every form of legal process, except in so far as in any particular case the Organization has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

b) Funds, assets and other property of the Organization, wherever located and by whomsoever held, shall be immune from search, seizure, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

c) To the extent necessary to carry out the functions of the Organization, funds, assets and other property of the Organization, wherever located and by whomsoever held, shall be exempt from restrictions, regulations, control or moratoria of any nature.

Article 4

Inviolability of the premises

1. The premises of the Office of the Organization shall be inviolable. The competent authorities shall ensure that the Office of the Organization is not dispossessed and/or deprived of all or any part of its premises without its express consent.

2. The competent authorities shall not enter the premises of the Office of the Organization to perform any official duty, except with the express consent, or at the request of the Chief of Mission, or a staff member of the Office of the Organization designated by him or her. Judicial actions and the service or execution of legal process, including the seizure of private property, cannot be enforced on the premises of the Office of the Organization except with the consent of and in accordance with conditions approved by the Chief of Mission.

3. In case of fire or other emergency requiring prompt protective action, or in the event that the competent authorities have reasonable cause to believe that such an emergency has occurred or is about to occur on the premises of the Office of the Organization, the consent of the Chief of Mission, or a staff member of the Office of the Organization designated by him or her, to any necessary entry into the premises of the Office of the Organization shall be presumed if neither of them can be contacted in time.

4. Subject to paragraphs 1, 2 and 3 of this Article, the competent authorities shall take the necessary action to protect the premises of the Office of the Organization against fire or other emergency.

5. The Office of the Organization shall prevent its premises from being used as a refuge by persons who are avoiding arrest or the proper administration of justice under any law of the host State.

Article 5

Inviolability of the Archives and official equipment

1. The archives of the Organization, wherever located and by whomsoever held, shall be inviolable at any time.

2. The official equipment and other official material, necessary for the Organization's official activities shall be inviolable at any time.

Article 6

Law and authority in the Office of the Organization

1. The premises of the Office of the Organization shall be under the control and authority of the Organization, as provided under this Agreement.

2. Except as otherwise provided in this Agreement, the laws and regulations of the host State shall apply on the premises of the Office of the Organization.

Article 7

Facilities and immunities in respect of communications and publications

1. The Government shall permit the Organization to communicate, freely and without a need for special permission, for all official purposes, and shall protect the right of the Organization to do so.