

No. 50229

**Netherlands (for the European part of the Netherlands)
and
International Institute for Democracy and Electoral Assistance**

Host Country Agreement between the Kingdom of the Netherlands and the International Institute for Democracy and Electoral Assistance concerning the immunity and privileges of the International Institute for Democracy and Electoral Assistance and its officials. The Hague, 27 August 2012

Entry into force: *1 September 2012 by notification, in accordance with article 28*

Authentic text: *English*

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**Pays-Bas (pour la partie européenne des Pays-Bas)
et
Institut international pour la démocratie et l'assistance électorale**

Accord de siège entre le Royaume des Pays-Bas et l'Institut international pour la démocratie et l'assistance électorale concernant l'immunité et les privilèges de l'Institut international pour la démocratie et l'assistance électorale et de ses fonctionnaires. La Haye, 27 août 2012

Entrée en vigueur : *1^{er} septembre 2012 par notification, conformément à l'article 28*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**Host Country Agreement between the Kingdom of the Netherlands
and the International Institute for Democracy and Electoral
Assistance concerning the immunity and privileges of the
International Institute for Democracy and Electoral Assistance and
its officials**

The Kingdom of the Netherlands

and

the International Institute for Democracy and Electoral Assistance
(hereinafter referred to as “the Parties”),

Bearing in mind the policy of the Kingdom of the Netherlands to promote the development of the international legal order;

Welcoming the wish of the International Institute for Democracy and Electoral Assistance to establish an office in the Netherlands;

Noting that the International Institute for Democracy and Electoral Assistance was established as an international intergovernmental organization at a conference held in Stockholm, Sweden, on 27 February 1995;

Noting that Statutes of the Organization as amended were adopted at the Extraordinary session of International IDEA’s Council on 24 January 2006;

Noting that according to Article X of the Statutes of the Organization, the status, privileges and immunities of the Organization and its Officials in the host country shall be specified in a Host Country Agreement;

Further noting that the Parties have agreed to enter into such an Agreement;

Desiring to lay down conditions concerning the immunity and privileges of the Organization and its Officials;

have agreed as follows:

Article 1

Definitions

For the purpose of this Agreement,

a) "Government" means the Government of the Kingdom of the Netherlands;

b) "Organization" or "International IDEA" means the International Institute for Democracy and Electoral Assistance;

c) „Host Country" means the Kingdom of the Netherlands;

d) "Secretary-General" means the Secretary-General of the Organization and during his or her absence, any other Official specifically designated to act on his or her behalf;

e) "Head of Office" means the Official of the Organization who represents the Secretary-General in the Host Country;

f) "Officials" means persons employed by the Organization for its regular tasks who are not paid hourly rates;

g) "Experts" means persons, other than Officials of the Organization, appointed for one or several specific tasks by the Organization;

h) "emoluments" means all sums in respect of employment by the Organization paid to, vested in or accruing to an Official or Expert in any form whatsoever;

i) "taxes being charged for public services" means such taxes, which are paid in connection with the provisions by a State or municipal authority of a particular service in direct relation to providing such a service;

j) "family members" or "members of the family" means:

i) the spouse of the person concerned;

ii) the partner of the person concerned if the two persons have officially registered their relationship in the receiving State or in a third State if that registration is acceptable for the receiving State;

iii) a person comparable to a spouse, i.e., a person who continuously shares a household and cohabits in a relationship resembling marriage with the person concerned;

- iv) children of the person concerned and his or her spouse or a person defined in sub-paragraphs ii and iii of paragraph i) of this Article, who form part of his or her household and who are under the age of 18 years or who are between the ages of 18 and 27 and who are engaged in full-time study in the Netherlands and/or dependent on his or her care or who are disabled;
- k) “premises” means the building or part thereof, including installations and facilities made available to, maintained or occupied or used by International IDEA in connection with its functions and purposes.

Article 2

Purpose

This Agreement shall regulate matters relating to or arising out of the establishment and the proper functioning of International IDEA in the Host Country. It shall, inter alia, create conditions conducive to the stability and independence of the Organization and facilitate its smooth and efficient functioning.

Article 3

Legal status and juridical personality

International IDEA shall possess in the Host Country full legal personality in accordance with Article 1.3 of its Statutes. This shall, in particular, include the capacity:

- a) to contract;
- b) to acquire and dispose of moveable and immoveable property;
- c) to institute proceedings.

Article 4

Inviolability of the premises

1. The premises of International IDEA shall be inviolable. The competent authorities shall ensure that the Organization is not dispossessed or deprived of all or any part of its premises without its proper consent. Judicial actions and the service and execution of legal process, including the seizure of private property, cannot be enforced on the premises of International IDEA except with the consent and in accordance with conditions approved by the Secretary-General.

2. 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, the consent by the Head of Office or a staff mem-

ber of the Organization so designated by him or her, to any necessary entry into the premises shall be presumed if neither of them can be contacted in time.

Article 5

Protection of the premises

1. The Host Country shall exercise due diligence to ensure that the security and tranquility of the premises are not impaired by any person or group(s) of persons attempting unauthorized entry into the premises or creating disturbances in the immediate vicinity. As may be required for this purpose, the Host Country authorities shall provide adequate police protection on the boundaries and in the vicinity of the Organization's premises.

2. International IDEA shall provide the competent authorities with all information relevant to the security and protection of the premises.

Article 6

Public services for the premises

1. The competent authorities shall secure, upon request of the Head of Office or a staff member to whom such tasks are delegated, on fair and equitable conditions the public services required by International IDEA, such as, but not limited to, postal, telephone, internet, telegraphic sources, any means of communication, electricity, water, gas, sewage, waste collection, fire protection and cleaning of public streets.

2. In case of interruption or threatened interruption of any such sources, the Organization shall be accorded the priority given to essential agencies and organs of the Government and the competent authorities shall act accordingly to ensure that the work of the Organization is not prejudiced.

Article 7

Law and authority on the premises

1. The premises shall be under the control and authority of International IDEA as provided in this Agreement.

2. Except as otherwise provided in this Agreement and in the International IDEA Statute and Regulations and Staff Rules promulgated thereunder concerning employment conditions of Officials, the laws and