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**Netherlands (for the European part of the Netherlands)
and
International Commission on Missing Persons**

Host State Agreement between the Kingdom of the Netherlands and the International Commission on Missing Persons (with exchange of letters). The Hague, 5 October 2015

Entry into force: *5 October 2015 by signature, in accordance with article 30*

Authentic text: *English*

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**Pays-Bas (pour la partie européenne des Pays-Bas)
et
Commission internationale des personnes disparues**

Accord d'état hôte entre le Royaume des Pays-Bas et la Commission internationale des personnes disparues (avec échange de lettres). La Haye, 5 octobre 2015

Entrée en vigueur : *5 octobre 2015 par signature, conformément à l'article 30*

Texte authentique : *anglais*

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Host State Agreement between the Kingdom of the Netherlands and the International Commission on Missing Persons

The Kingdom of the Netherlands

and

the International Commission on Missing Persons,

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 Commission on Missing Persons to establish an office in the Kingdom of the Netherlands;

Noting that the International Commission on Missing Persons was established as an intergovernmental organization under the "Agreement on the Status and Functions of the International Commission on Missing Persons" of 15 December 2014;

Desiring to lay down conditions concerning the privileges, immunities, facilities, and services of and related to the International Commission on Missing Persons in the territory of the Kingdom of the Netherlands as are necessary for the fulfillment of the purposes of the International Commission on Missing Persons;

Have agreed as follows:

Article 1

Use of terms

For the purpose of this Agreement:

- a) "Agreement" means this Host State Agreement between the Kingdom of the Netherlands and the International Commission on Missing Persons;
- b) "Host State" means the Kingdom of the Netherlands;
- c) "ICMP" means the International Commission on Missing Persons;
- d) "Parties" means the ICMP and the host State;
- e) "Vienna Convention" means the Vienna Convention on Diplomatic Relations of 18 April 1961;
- f) "Director-General" means the Director-General of the ICMP and during his or her absence, any other official specifically designated to act on his or her behalf;
- g) "Directors of ICMP Departments" means the Directors of ICMP Departments and during his or her absence, any other official specifically designated to act on his or her behalf;
- h) "Officials" means persons, however denominated and at whatever level of seniority, including the Director-General and the Directors of ICMP Departments, who undertake one or more of the ICMP's core day-to-day functions and who are not paid hourly rates;
- i) "Experts" means persons, other than officials, who are appointed on a temporary basis to support the work of the ICMP and its officials on one or more specific tasks or projects with specialized skills;
- j) "Interns" means all those persons employed by the ICMP on a temporary unsalaried basis who may or may not receive a stipend;
- k) "Private servant" means domestic worker in the personal employ of the Director-General, or, in consulta-

tion with the host State, of other officials of a comparable rank to a diplomatic agent under the Vienna Convention, whose stay in the Kingdom of the Netherlands is tied to the stay of the Director-General or such other officials;

l) "Family members forming part of the household" means the person defined as such in the Protocol Guide of the Kingdom of the Netherlands in accordance with the Vienna Convention;

m) "Premises" means buildings, parts of buildings and areas, including installations and facilities of the headquarters made available to, maintained, occupied or used by the ICMP headquarters in the host State in consultation with the host State in connection with its functions and purposes;

n) "Property" means all property (be it material, real, or intellectual), assets, and funds belonging to the ICMP or held or administered by the ICMP in furtherance of its functions;

o) "Ministry of Foreign Affairs" means the Ministry of Foreign Affairs of the host State;

p) "Competent authorities" means national, provincial, municipal and other competent authorities under the laws, regulations and customs of the host State;

Article 2

Purpose

This Agreement shall regulate matters relating to or arising out of the establishment and the proper functioning of the ICMP in the host State. It shall, *inter alia*, create conditions conducive to the stability and independence of the ICMP and facilitate its smooth and efficient functioning.

Article 3

Legal status and juridical personality

The host State recognizes ICMP as an Intergovernmental Organization with legal personality and the capacity to perform legal acts required for the performance of its functions. This shall, in particular, include the capacity:

- a) to acquire and dispose of real and personal property;
- b) to enter into contracts and other types of agreements, including agreements to operate bank accounts and engage in other banking and financial transactions;
- c) to employ persons;
- d) to institute and defend in legal proceedings; and
- e) to take other lawful action necessary to accomplish the purposes of the ICMP.

Article 4

Inviolability of the premises

1. The premises shall be inviolable. The competent authorities shall ensure that the ICMP 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 to perform any official duty, except with the express consent, or at the request of the Director-General, or an official 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 except with the consent of, and in accordance with conditions approved by the Director-General or an official designated by him or her.

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, the consent of the Director-General, or an official designated by him or her, to any necessary entry into the premises 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 against fire or other emergency.

5. The ICMP 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

Protection of the premises and their vicinity

1. The host State 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 or onto the premises

or creating disturbances in the immediate vicinity. As may be required for this purpose, the host State shall provide adequate police protection on the boundaries and in the vicinity of the ICMP's premises.

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

Article 6

Law and authority on the premises

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

2. Except as otherwise provided in this Agreement and in the ICMP governance documents and the ICMP's regulations and staff rules promulgated thereunder concerning employment conditions of officials, the laws and regulations of the host State shall apply on the premises. ICMP shall promptly inform the host State of any such existing regulations and rules and promptly advise the host State of any newly adopted regulations and rules.

3. The ICMP may display such signs, plaques, flags, and emblems on the premises as it deems appropriate.

4. The ICMP may expel or exclude persons from the premises for violation of its regulations.

Article 7

Public services for the premises

1. The competent authorities shall secure, upon the request of the Director-General, or an official designated by him or her, on fair and equitable conditions, the public services needed by the ICMP such as, but not limited to, postal, telephone, telegraphic services, any means of communication, electricity, water, gas, sewage, collection of waste, fire protection, local transportation and cleaning of public streets, including snow removal.

2. In cases where the services referred to in paragraph 1 of this Article are made available to the ICMP by the competent authorities, or where the prices thereof are under their control, the rates for such services shall not exceed the lowest comparable rates accorded to essential agencies and organs of the host State.

3. In case of any interruption or threatened interruption of any such services, the ICMP shall be accorded the priority given to essential agencies and organs of the host State, and the host State shall take steps accordingly to ensure that the work of the ICMP is not prejudiced.

4. Upon request of the competent authorities, the Director-General, or an official designated by him or her, shall make suitable arrangements to enable duly authorized representatives of the appropriate public services to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers on the premises under conditions which shall not unreasonably disturb the carrying out of the functions of the ICMP.

5. Underground constructions may be undertaken by the competent authorities on the premises only after consultation with the Director-General, or an official designated by him or her, and under conditions which shall not disturb the carrying out of the functions of the ICMP.

Article 8

Facilities and immunities in respect of communications

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

2. No censorship shall be applied to the official communications or correspondence of the ICMP, whether in physical or digital form or in any other electronic format.

Article 9

Inviolability of archives, documents, equipment, materials and biological sample material for human identification purposes

1. The archives of the ICMP, all papers and documents in whatever form, materials, including databases, data processing systems and data contained therein, and biological sample material for human identification purposes being sent from or to the ICMP, held by the ICMP or belonging to it, wherever located and by whomsoever held, shall be inviolable.
2. The equipment necessary for ICMP's activities shall be inviolable at any time.

Article 10

Freedom of financial assets from restrictions

The ICMP may purchase, receive, convert and hold any kind of funds, currency, cash or securities. It may use or dispose of them freely for any purpose in accordance with its official activities and hold accounts in any currency to the extent required to meet its obligations.

Article 11

Funds, assets, and other property

1. The funds, assets and other property of the ICMP, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process in the host State.
2. Funds, assets and other property of the ICMP, wherever located and by whomsoever held, shall, in the host State, be immune from search, seizure, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.
3. The ICMP may expressly waive the immunity from jurisdiction in respect of legal proceedings of the funds, assets and other property of the ICMP. Such a waiver shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.
4. To the extent necessary to carry out the functions of the ICMP, funds, assets and other property of the ICMP, wherever located and by whomsoever held, shall be exempt from restrictions, regulations, control or moratoria of any nature.

Article 12

Exemption of the ICMP and its property from taxes and duties

1. Within the scope of its official activities, the ICMP, its assets, income and other property shall be exempt from all direct taxes, whether levied by national, provincial or local authorities.
2. Within the scope of its official activities, the ICMP shall be exempt from:
 - a) import and export taxes and duties (*belastingen bij invoer en uitvoer*);
 - b) motor vehicle tax (*motorrijtuigenbelasting*);
 - c) tax on passenger motor vehicles and motorcycles (*belasting van personenauto's en motorrijwielen*);
 - d) value added tax (*omzetbelasting*) paid on goods and services supplied on a recurring basis or involving considerable expenditure;
 - e) excise duties (*accijnzen*) included in the price of alcoholic beverages and hydrocarbons such as fuel oils and motor fuels, as well as chemical supplies;
 - f) real property transfer tax (*overdrachtsbelasting*);
 - g) insurance tax (*assurantiebelasting*);
 - h) energy tax (*energiebelasting*);
 - i) tax on mains water (*belasting op leidingwater*);
 - j) any other taxes and duties of a substantially similar character as the taxes provided for in this paragraph, levied in the host State subsequent to the date of signature of this Agreement.
3. The exemptions provided for in paragraph 2, subparagraphs d), e), f), g), h), i), and j) of this Article may be granted by way of a refund. These exemptions shall be applied in accordance with the formal requirements of the host State. These requirements, however, shall not affect the general principles laid down in paragraph 2 of this Article.