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**United Nations
and
Netherlands**

Agreement between the United Nations and the Kingdom of the Netherlands concerning the Office of the Organisation for the Prohibition of Chemical Weapons (OPCW) - United Nations Joint Investigative Mechanism. The Hague, 31 May 2016

Entry into force: *31 May 2016 by signature, in accordance with article 37*

Authentic text: *English*

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**Organisation des Nations Unies
et
Pays-Bas**

Accord entre l'Organisation des Nations Unies et le Royaume des Pays-Bas concernant le bureau du Mécanisme d'enquête conjoint de l'Organisation pour l'interdiction des armes chimiques et de l'Organisation des Nations Unies. La Haye, 31 mai 2016

Entrée en vigueur : *31 mai 2016 par signature, conformément à l'article 37*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE UNITED NATIONS
AND
THE KINGDOM OF THE NETHERLANDS
CONCERNING
THE OFFICE OF THE
ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS (OPCW) –
UNITED NATIONS JOINT INVESTIGATIVE MECHANISM**

Whereas the Security Council of the United Nations acting under Chapter VII of the Charter of the United Nations decided by its resolution 2235 (2015) adopted on 7 August 2015 to establish the OPCW-United Nations Joint Investigative Mechanism (JIM) "to identify to the greatest extent feasible individuals, entities, groups, or governments who were perpetrators, organisers, sponsors or otherwise involved in the use of chemicals as weapons, including chlorine or any other toxic chemical, in the Syrian Arab Republic where the OPCW Fact-Finding Mission determines or has determined that a specific incident in the Syrian Arab Republic involved or likely involved the use of chemicals as weapons, including chlorine or any other toxic chemical";

Whereas the JIM wishes to establish an office in The Hague, the Kingdom of the Netherlands to facilitate the implementation of its mandate and in particular liaison with the OPCW and its Fact Finding Mission;

Whereas the Kingdom of the Netherlands wishes to facilitate the work of the JIM in this regard;

Whereas the United Nations and the Kingdom of the Netherlands wish to conclude an agreement for the establishment of the office of the JIM in the Kingdom of the Netherlands (the "Office");

The United Nations and the Kingdom of the Netherlands have agreed as follows:

PART I.
General provisions

Article 1.
Use of terms

For the purpose of this Agreement:

- a) "JIM" means the Joint Investigative Mechanism established by the United Nations Security Council in its resolution 2235 (2015) of 7 August 2015;
- b) "OPCW" means the Organisation for the Prohibition of Chemical Weapons;
- c) "premises" means buildings, parts of buildings and areas, including installations and facilities made available to, maintained, occupied or used by the JIM in the host State in consultation with the host State, in connection with its functions and purposes;
- d) The "Head of the JIM" means the person appointed by the Secretary-General to lead the JIM;
- e) "Office" means the Investigations Office of the JIM in The Hague;
- f) The "Head of the Office" means the person appointed by the Secretary-General to head the Office;
- g) "officials of the JIM" means the Head of the JIM and staff who are assigned by the Secretary-General to serve as part of the JIM;
- h) "officials of the Office" means the Head of the Office and staff of the JIM who are assigned by the Secretary-General to the Office;
- i) "experts on mission for the JIM" means those persons, other than officials of the JIM, who perform missions for the JIM;
- j) "host State" means the Kingdom of the Netherlands;
- k) "Parties" means the United Nations and the host State;
- l) "competent authorities" means national, provincial, municipal and other competent authorities under the laws, regulations and customs of the host State;
- m) "Ministry of Foreign Affairs" means the Ministry of Foreign Affairs of the host State;
- n) "General 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 the Kingdom of the Netherlands acceded on 19 April 1948;

- o) "Vienna Convention" means the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961, to which the Kingdom of the Netherlands acceded on 7 September 1984; and
- p) "Secretary-General" means the Secretary-General of the United Nations.

*Article 2.
Establishment of the Office*

1. The JIM shall establish an Office in The Hague, the Kingdom of Netherlands, to carry out the functions in accordance with the mandate of the JIM set out in United Nations Security Council resolution 2235 (2015) of 7 August 2015 and any subsequent decision or resolution of the United Nations relevant to, and relating specifically to, the JIM.
2. The seat of the Office shall be located within the premises of the headquarters of the OPCW in The Hague. This Agreement shall be without prejudice to the 1997 Agreement between the OPCW and the Kingdom of Netherlands concerning the Headquarters of the OPCW, done at The Hague on 22 May 1997.

*Article 3.
Purpose and scope of this Agreement*

This Agreement shall regulate the status of the Office, its premises, officials of the JIM and experts on mission in the host State. It shall, *inter alia*, create conditions conducive to the stability and independence of the Office and facilitate its smooth and efficient functioning.

**PART II.
Status of the office**

*Article 4.
Juridical personality*

1. The JIM shall possess full juridical personality in the host State. This shall, in particular, include the capacity:
 - a) to contract;
 - b) to acquire and dispose of movable and immovable property; and
 - c) to institute legal proceedings.
2. For the purposes of this Article, the JIM shall be represented by the Head of the JIM.