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**United Nations
and
Netherlands**

Host State Agreement between the United Nations and the Kingdom of the Netherlands concerning the United Nations Office for the Coordination of Humanitarian Affairs - Humanitarian Data Center. New York, 11 July 2017

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

Accord d'état hôte entre l'Organisation des Nations Unies et le Royaume des Pays-Bas concernant le Bureau des Nations Unies pour la coordination des affaires humanitaires - Centre de données humanitaires. New York, 11 juillet 2017

Entrée en vigueur : *11 juillet 2017 par signature, conformément à l'article 38*

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Host State Agreement between the United Nations and the Kingdom of the Netherlands concerning the United Nations Office for the Coordination of Humanitarian Affairs – Humanitarian Data Centre

Whereas the United Nations through its Office for the Coordination of Humanitarian Affairs (OCHA) wishes to establish an Humanitarian Data Centre in The Hague, the Kingdom of the Netherlands, to facilitate the implementation of its mandate;

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

Desiring to lay down conditions concerning the privileges, immunities, facilities, and services of and related to the OCHA Humanitarian Data Centre in the territory of the Kingdom of the Netherlands as are necessary for the fulfilment of the purposes of the Centre;

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) "Agreement" means this Host State Agreement between the Kingdom of the Netherlands and the United Nations;
- b) "host State" means the Kingdom of the Netherlands;
- c) "OCHA" means the United Nations Office for the Coordination of Humanitarian Affairs;
- d) "Centre" means the OCHA Humanitarian Data Centre in The Hague;
- e) "Parties" means the United Nations and the host State;
- f) "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;
- g) "Vienna Convention" means the Vienna Convention on Diplomatic Relations of 18 April 1961, to which the Kingdom of the Netherlands acceded on 7 September 1984;
- h) The "Head of the Centre" means the person appointed by the Secretary-General to head the Centre;
- i) "officials of the Centre" means the Head of the Centre and staff who are assigned by the Secretary-General to serve as part of the Centre;
- j) "experts on mission" means persons, other than officials, who, on a temporary basis, perform missions for the Centre;
- k) "interns" means students and recent graduates (degree obtained within the last twelve (12) months) who have been accepted by OCHA into its internship programme for the purpose of performing certain tasks for the Centre without receiving a salary from OCHA. An intern shall in no case fall under the definition of an official of the Centre;
- l) "family members forming part of the household" means:
 - spouses and registered partners of a staff member of the Centre continuously living with the staff member;
 - children of the staff member under the age of 18;
 - children of the staff member up to and including the age of 27 provided that they are unmarried, financially dependent on their parents and living continuously with their parent(s) during their posting in the host State; and
 - any such member of the immediate family of the staff member of the Centre as may be agreed upon between the host State and the United Nations.
- m) "premises" means buildings, parts of buildings and areas, including installations and facilities made available to, maintained, occupied or used by the Centre in the territory of the host State in consultation with the host State, in connection with its functions and purposes;

- n) "property" means, without prejudice to the General Convention, all property (be it material, real, or intellectual), assets, and funds belonging to the Centre or held or administered by the Centre in the territory of the host State 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;
- q) "Secretary-General" means the Secretary-General of the United Nations.

Article 2. Establishment of the Centre

- 1 OCHA shall establish a Centre in the host State, to carry out functions in accordance with the mandate of OCHA set out in United Nations General Assembly resolution 46/182 and subsequent resolutions.
- 2 The seat of the Centre shall be located in The Hague, the Netherlands.

Article 3. Purpose and scope of this Agreement

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

PART II: STATUS OF THE CENTRE

Article 4. Juridical personality

- 1 The Centre 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 purpose of this Article, the Centre shall be represented by the Head of the Centre.

Article 5. Privileges, immunities and facilities

- 1 The Centre shall enjoy, in the territory of the host State, such privileges, immunities and facilities as are necessary for the fulfilment of its purposes.
- 2 The General Convention shall apply to the Centre and the archives of the Centre. Furthermore, the Centre shall enjoy the privileges, immunities and facilities set out in this Agreement.

Article 6. Inviolability of the premises

- 1 The premises shall be inviolable. The competent authorities shall ensure that the Centre 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 Head of the Centre, 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 Head of the Centre, 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 Head of the Centre, 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 Centre 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 7. Protection of the premises and their vicinity

- 1 The competent authorities of 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 premises.
- 2 If so requested by the Head of the Centre, or an official designated by him or her, the competent authorities shall, in consultation with the Head of the Centre, or an official designated by him or her, to the extent it is deemed necessary by the competent authorities, provide adequate protection, including police protection, for the preservation of law and order on the premises and for the removal of persons therefrom.
- 3 The Centre shall provide the competent authorities with all information relevant to the security and protection of the premises.

Article 8. Law and authority on the premises

- 1 The premises of the Centre shall be under the control and authority of the Centre, as provided for in this Agreement.
- 2 Except as otherwise provided in this Agreement or the General Convention, the laws and regulations of the host State shall apply on the premises.
- 3 The Centre shall apply United Nations rules and regulations as are necessary for the carrying out of its functions. No laws or regulations of the host State which are inconsistent with the rules and regulations of the United Nations under this paragraph shall, to the extent of such inconsistency, be applicable on the premises.
- 4 Any dispute between the Centre and the host State as to whether a rule or regulation of the United Nations comes within the ambit of this Article or as to whether a law or regulation of the host State is inconsistent with a rule or regulation of the United Nations under this Article shall promptly be settled by the procedure under Article 34 of this Agreement. Pending such settlement, the rule or regulation that is the subject of the dispute shall apply and the law or regulation of the host State shall be inapplicable on the premises to the extent that the Centre claims it to be inconsistent with the rule or regulation in question.

Article 9. Public services for the premises

- 1 The competent authorities shall secure, upon the request of the Head of the Centre, or an official designated by him or her, on fair and equitable conditions, the public services needed by the Centre 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 Centre 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 Centre 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 Centre is not prejudiced.
- 4 Upon request of the competent authorities, the Head of the Centre, 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 Centre.

Article 10. Flags, emblems and markings

The Centre shall be entitled to display the United Nations' flags, emblems and markings on its premises and to display its flag on vehicles used for official purposes.

Article 11. Funds, assets and other property

- 1 The Centre, its funds, assets and other property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except insofar as in any particular case

the Secretary-General has expressly waived its immunity. It is understood, however, that no waiver of immunity shall extend to any measure of execution.

- 2 Funds, assets and other property of the Centre, 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.
- 3 To the extent necessary to carry out the functions of the Centre, funds, assets and other property of the Centre, wherever located and by whomsoever held, shall be exempt from restrictions, regulations, controls or moratoria of any nature.

Article 12. Inviolability of archives, documents and materials

The archives of the Centre, and all papers and documents in whatever form, and materials being sent to or from the Centre, held by the Centre or belonging to it, wherever located and by whomsoever held, shall be inviolable.

Article 13. Facilities and immunities in respect of communications

- 1 The Centre shall have the right to operate all appropriate means of communication, including electronic means of communication, and shall have the right to use codes or ciphers for its official communications and correspondence. The official communications and correspondence of the Centre shall be inviolable.
- 2 The Centre shall have the right to dispatch and receive correspondence and other materials or communications by courier or in sealed bags, which shall enjoy the same privileges, immunities and facilities as diplomatic couriers and bags.
- 3 No censorship shall be applied to the official communications or correspondence of the Centre. Such immunity from censorship shall extend to printed matter, photographic and electronic data communications and other forms of communication as may be used by the Centre. The Centre shall have the right to operate radio, satellite and other telecommunication equipment on the United Nations-registered frequencies or frequencies allocated to it by the host State in accordance with its national procedures. The host State shall endeavour to allocate to the Centre, to the extent possible, frequencies for which it has applied.

Article 14. Freedom of financial assets from restrictions

Without being restricted by financial controls, regulations, notification requirements in respect of financial transactions, or moratoria of any kind, the Centre:

- a) may hold and use funds, gold or negotiable instruments of any kind and maintain and operate accounts in any currency and convert any currency held by it into any other currency;
- b) shall be free to transfer its funds, gold or currency from one country to another, or within the host State; and
- c) may raise funds in any manner which it deems desirable, except that with respect to the raising of funds within the host State, the Centre shall obtain the concurrence of the competent authorities.

Article 15. Exemption from taxes and duties for the Centre and its property

- 1 Within the scope of its official activities, the Centre, its assets, income and other property shall be exempt from:
 - a) all direct taxes, whether levied by national, provincial or local authorities, which includes, *inter alia*, corporation tax;
 - b) import and export taxes and duties (*belastingen bij invoer en uitvoer*);
 - c) motor vehicle tax (*motorrijtuigenbelasting*);
 - d) tax on passenger motor vehicles and motorcycles (*belasting van personenauto's en motorrijwielen*);
 - e) value added tax (*omzetbelasting*) paid on goods and services supplied on a recurring basis or involving considerable expenditure;
 - f) excise duties (*accijnzen*) included in the price of alcoholic beverages and hydrocarbons such as fuel oils and motor fuels, as well as chemical supplies;
 - g) real property transfer tax (*overdrachtsbelasting*);
 - h) insurance tax (*assurantiebelasting*);
 - i) energy tax (*energiebelasting*);
 - j) tax on mains water (*belasting op leidingwater*); and