

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2015 Nr. 169

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## A. TITEL

*Gastlandverdrag tussen het Koninkrijk der Nederlanden en de Internationale Commissie voor Vermiste Personen  
(met briefwisseling);  
's-Gravenhage, 5 oktober 2015*

## B. TEKST

### **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.

4. Goods acquired or imported under the terms set out in paragraph 2 of this Article shall not be sold, let out, given away or otherwise disposed of, except in accordance with conditions agreed upon with the host State.

5. The ICMP shall not claim exemption from taxes which are, in fact, no more than charges for public utility services provided at a fixed rate according to the amount of services rendered and which can be specifically identified, described and itemized.

#### Article 13

##### *Exemption from import and export restrictions*

The ICMP shall be exempt from all restrictions on imports and exports in respect of articles imported or exported by the ICMP for its official use, including biological sample material for human identification purposes and required chemical supplies, and in respect of its publications.

#### Article 14

##### *Entry, stay and departure*

1. The host State shall facilitate, if required, the entry, stay, and departure for purposes of official business of the persons listed below and family members forming part of the household of:

- a) members of the Board of Commissioners;
- b) members of its Standing Committees;
- c) members of any other organs of ICMP;
- d) the Director-General;
- e) the Directors of ICMP Departments;
- f) officials, experts, and interns of ICMP;
- g) other persons invited to the host State headquarters or to meetings of the ICMP upon request of the Director-General or the Directors of ICMP Departments.

2. This Article shall not prevent the requirement of reasonable evidence to be provided by ICMP to establish that persons claiming the treatment provided for in this Article fall under one of the categories in paragraph 1 above.

3. Visas which may be required by persons referred to in this Article shall be granted without charge and as promptly as possible.

4. All the aforementioned persons who are entitled to privileges and immunities shall enjoy them from the moment they enter the territory of the Kingdom of the Netherlands to take up their posts or to undertake official ICMP-related duties and shall come to an end within a reasonable period after the expiry or termination of their contracts of employment or completion of their ICMP-related duties.

#### Article 15

##### *Privileges, immunities, and facilities of members of the Conference of State Parties and other organs of ICMP*

1. Representatives of Parties who are members of the ICMP Conference of State Parties or its Financial Committee and members of the Board of Commissioners shall enjoy, while exercising their functions within the host State, the privileges (except for the financial and fiscal privileges), immunities and facilities accorded to heads of diplomatic missions accredited to the Kingdom of the Netherlands in accordance with the Vienna Convention.

2. Persons covered by this Article shall not be subjected by the host State to any measure which may affect the free and independent performance of their official functions.

#### Article 16

##### *Privileges, immunities, and facilities of officials*

1. Officials shall enjoy within the host State the following privileges and immunities:

- a) immunity from legal process of any kind in respect of words spoken or written, and all acts performed by them in the exercise of their official functions;
- b) immunity from seizure and inspection of official baggage;
- c) exemption from restrictions on the transport of biological sample material for human identification purposes;

- d) exemption from taxation on salaries, emoluments, and allowances earned in respect of their employment with the ICMP;
- e) exemption, with respect to themselves, and family members forming part of the household, from immigration restrictions and alien registration;
- f) freedom to acquire and maintain within the host State or elsewhere foreign currency accounts and other movable property, and under the same conditions applicable to nationals of the host State, immovable property; and upon the termination of their professional activities with the ICMP to take their funds out of the host State through authorized channels without prohibitions or restrictions;
- g) the same protection and repatriation facilities with regard to themselves and family members forming part of the household, as accorded in time of international crisis to members having comparable rank of the staff of diplomatic missions established in the host State;
- h) exemption from import taxes and duties, in respect of their furniture and personal effects, at the time of first taking up their position in the host State; however no exemption shall be accorded in respect of taxes and duties which represent charges for specific services.

2. In addition to the privileges, immunities, and facilities listed in paragraph 1 of this Article, the Director-General together with his or her family members forming part of his or her household who are not nationals or permanent residents in the host State, shall be accorded the same privileges, immunities, and facilities as accorded to the heads of diplomatic missions established in the host State in conformity with the Vienna Convention.

3. In addition to the privileges, immunities and facilities listed in paragraph 1 of this Article, officials of comparable rank to diplomatic agents, including the Directors of ICMP Departments, together with members of their family forming part of their household who are not nationals or permanent residents of the host State, shall be accorded the same privileges, immunities and facilities as the host State accords to diplomatic agents of the diplomatic missions established in the host State in conformity with the Vienna Convention.

4. In addition to the privileges, immunities and facilities listed in paragraph 1 of this Article, officials of comparable rank to administrative and technical staff of diplomatic missions, together with members of their family forming part of their household who are not nationals or permanent residents of the host State, shall be accorded by the host State the same privileges, immunities and facilities as the host State accords to members of the administrative and technical staff of diplomatic missions established in the host State, in conformity with the Vienna Convention, provided that the immunity from criminal jurisdiction and personal inviolability shall not extend to acts performed outside the course of their official duties.

5. With respect to the inheritance and gift tax, which depends upon residence, periods during which staff are present in the host State for the discharge of their functions shall not be considered as periods of residence.

6. The host State shall not be obliged to exempt from income tax pensions or annuities paid to former ICMP officials and members of their family forming part of the household.

7. Persons referred to in this Article who are nationals or permanent residents of the host State shall enjoy within the host State only the following privileges, immunities, and facilities to the extent necessary for the independent performance of their functions:

- a) exemption from taxation on salaries, emoluments, and allowances paid to them in respect of their employment with ICMP;
- b) the right to import free of duties and taxes, except payments for services, their furniture and effects at the time of first taking up their post in the host State;
- c) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity for the ICMP; and
- d) inviolability of all papers, documents, in whatever form, and materials relating to the performance of their functions for the ICMP.

## Article 17

### *Experts*

1. Experts performing functions for the ICMP shall be accorded the following privileges, immunities and facilities to the extent necessary for the independent performance of their functions, subject to production of the document referred to in paragraph 2 of this Article:

- a) immunity from personal arrest or detention or any other restriction of their liberty in respect of acts or convictions prior to their entry into the territory of the host State;
- b) immunity from seizure of their personal baggage;
- c) exemption from restrictions on the transport of biological sample material for human identification purposes;

- d) immunity from legal process of every kind in respect of words spoken or written and all acts performed by them in the course of the performance of their functions for the ICMP, which immunity shall continue to be accorded even after the termination of their functions;
- e) inviolability of all papers, documents in whatever form and materials relating to the performance of their functions for the ICMP;
- f) for the purposes of their communications with the ICMP, the right to receive and send papers and documents in whatever form and materials relating to the performance of their functions for the ICMP by courier or in sealed bags;
- g) exemption from inspection of their personal baggage, unless there are serious grounds for believing that the baggage contains articles the import or export of which is prohibited by law or controlled by the quarantine regulations of the host State; an inspection in such a case shall be conducted in the presence of the expert concerned;
- h) the same privileges in respect of currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions;
- i) the same repatriation facilities in time of international crisis as are accorded to diplomatic agents under the Vienna Convention;
- j) exemption from immigration restrictions and alien registration in relation to their functions as specified in the document referred to in paragraph 2 of this Article.

2. Experts shall be provided by the ICMP with a document certifying that they are performing functions for the ICMP on a temporary basis and specifying a time period for which their functions will last. Such document shall be withdrawn prior to its expiry if the expert is no longer performing functions for the ICMP.

3. With the exception of paragraph 1(d) of this Article, the privileges, immunities and facilities referred to in paragraph 1 of this Article shall cease to apply after fifteen (15) consecutive days following the date on which the presence of the expert concerned is no longer required by the ICMP.

4. Experts who are nationals or permanent residents of the host State shall enjoy only the following privileges, immunities and facilities to the extent necessary for the independent performance of their functions for the ICMP:

- a) immunity from personal arrest or detention or any other restriction of their liberty;
- b) immunity from legal process of every kind in respect of words spoken or written and all acts performed by them in the performance of their functions, which immunity shall continue to be accorded even after they have ceased to perform their functions;
- c) inviolability of all papers, documents in whatever form and materials relating to the performance of their functions;
- d) exemption from restrictions on the transport of biological sample material for human identification purposes;
- e) for the purpose of their communications with the ICMP the right to receive and send papers in whatever form.

5. Experts shall not be subjected by the host State to any measure which may affect the independent performance of their functions for the ICMP.

## Article 18

### *Interns*

1. Without prejudice to the applicable rules of the European Union in regard of citizens of a member state of the European Union, the Ministry of Foreign Affairs shall register interns for a maximum period of six (6) months, provided that the ICMP supplies the Ministry of Foreign Affairs with a declaration signed by them, accompanied by adequate proof, to the effect that:

- a) the intern entered the host State in accordance with the applicable immigration procedures;
- b) the intern has sufficient financial means for living expenses and for repatriation, as well as sufficient medical insurance (including coverage of costs of hospitalization for at least the duration of the internship plus one (1) month) and third party liability insurance, and shall not be a charge on the public purse in the host State;
- c) the intern shall not engage in gainful employment in the host State during his or her internship other than as an intern for the ICMP;
- d) the intern shall not bring any family members to reside with him or her in the host State other than in accordance with the applicable immigration procedures; and
- e) the intern shall leave the host State within fifteen (15) days after the end of the internship.

2. In exceptional circumstances, the maximum period of six (6) months mentioned in paragraph 1 of this Article, may be extended once by a maximum period of six (6) months. However, the total period of the internship shall not exceed one (1) year.

3. The ICMP shall not incur liability for damage resulting from non-fulfillment of the conditions of the declaration referred to in paragraph 1 of this Article by interns registered in accordance with that paragraph.
4. Interns shall not enjoy privileges, immunities and facilities within the host State, except:
  - a) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity for the ICMP, which immunity shall continue to be accorded even after termination of the internship with the ICMP for activities carried out on its behalf;
  - b) inviolability of all papers, documents in whatever form and materials relating to the performance of their functions for the ICMP.

#### Article 19

##### *Personnel recruited locally and not otherwise covered by this Agreement, including such personnel assigned to hourly rates*

Personnel recruited locally and assigned to hourly rates by ICMP and not otherwise covered by this Agreement shall be accorded immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity for the ICMP. The terms and conditions of employment of such individuals shall be in accordance with the relevant Regulations of the ICMP.

#### Article 20

##### *Exceptions to immunities*

The immunity granted to persons mentioned in Article 15, paragraph 1; Article 16, paragraphs 1 to 3 and paragraph 6; Article 17; Article 18, paragraph 4; and Article 19, shall not extend to any civil action by a third party for damages, including personal injury or death, arising from a traffic accident caused by any such person.

#### Article 21

##### *Protection of personnel*

The host State shall, if so requested by the Director-General, take all reasonable steps to ensure the necessary safety and protection of the persons mentioned in this Agreement whose security is endangered due to their services to the ICMP within the host State.

#### Article 22

##### *Notification and Identification Cards*

1. ICMP shall promptly, and no later than eight (8) days after their first arrival, notify the host State of:
  - a) the list of members of each Organ of ICMP and shall revise such list from time to time as may be necessary;
  - b) the appointment of officials, their arrival and their final departure, or the termination of their employment with ICMP;
  - c) the arrival and final departure of family members forming part of the household of officials and, where appropriate, the fact that a person has ceased to form part of a household;
  - d) the hiring of experts;
  - e) the appointment of interns;
  - f) the hiring of personnel recruited locally in accordance with Article 19 of this Agreement;
  - g) the arrival and final departure date of private servants of persons referred to in subparagraph 1(b) of this Article and, where appropriate, the fact that they are leaving the employ of such persons.
2. The host State shall issue an identification card which shall serve to identify the holder in relation to the host State authorities to the following persons:
  - a) the Director-General and Directors of ICMP Departments, and other officials of ICMP who are assigned to serve in the host State;
  - b) the official's family members forming part of the household who are not nationals of the host State. The children of European Union nationals in the age group up to and including fourteen (14) years have to be registered with the host State, but are excluded from receiving the identification card;
  - c) experts, provided that the Ministry of Foreign Affairs has been supplied with the document referred to under Article 17(2) of this Agreement;
  - d) interns, provided that they have been registered in accordance with Article 18(1) of this Agreement;
  - e) personnel recruited locally in accordance with Article 19 of this Agreement;
  - f) private servants.



3. At the final departure of the persons referred to in paragraph 2 of this Article or when these persons have ceased to perform their functions for the ICMP, the identity card referred to in paragraph 2 of this Article shall be promptly, and not later than within fifteen (15) days, returned by the ICMP to the Ministry of Foreign Affairs. In case persons who have ceased to perform their functions are not able to return the identity card referred to in paragraph 2 of this Article within the time period specified in this paragraph, the Ministry of Foreign Affairs shall be consulted.

#### Article 23

##### *Social security*

To the extent that the social security system of the ICMP offers coverage comparable to the coverage under the legislation of the host State, the ICMP and its officials to whom the aforementioned scheme applies shall be exempt from social security provisions of the host State. Consequently, they shall not be covered against the risks described in the social security provisions of the host State. This exemption applies to them, unless they take up gainful activity in the host State.

#### Article 24

##### *Employment of family members of officials of ICMP*

1. Members of the family forming part of the household of an official of ICMP shall be authorized to engage in gainful employment in the host State for the duration of the term of office of the official concerned.
2. Members of the family forming part of the household of an official of ICMP who obtain gainful employment shall enjoy, under this Agreement, no immunity from criminal, civil or administrative jurisdiction with respect to matters arising in the course of or in connection with such employment. However, any measures of execution shall be taken without infringing the inviolability of their person or of their residence, if they are entitled to such inviolability.
3. In case of the insolvency of a person aged under eighteen (18) with respect to a claim arising out of gainful employment of that person, the immunity of the official of whose family the person concerned is a member shall be waived for the purpose of settlement of the claim, in accordance with the provisions of Article 25 of this Agreement.
4. The employment referred to in paragraph 1 of this Article shall be in accordance with the legislation of the host State, including fiscal and social security legislation.

#### Article 25

##### *Waiver of immunities*

1. The privileges, immunities and facilities provided for in Articles 15, 16, 17, 18 and 19 of this Agreement are granted in the interests of the ICMP and not for the personal benefit of the persons themselves. The Director-General shall have the right and the duty to waive the immunity of any person mentioned in Articles 16, 17, 18 and 19 in any case where, in his or her opinion, the immunity would impede the cause of justice and can be waived without prejudice to the ICMP. The Board of Commissioners shall have the right to waive the immunity of the Director-General.
2. The waiver of privileges, immunities and facilities of members of the Board of Commissioners provided for in Article 15(1) of this Agreement, shall be regulated in the Rules of Procedure of the Conference of State Parties.
3. Consistent with its privileges and immunities, the ICMP shall cooperate at all times with the appropriate authorities of the host State to facilitate the proper administration of justice and shall not abuse any of the privileges and immunities granted to it under this Agreement.

#### Article 26

##### *Settlement of disputes*

1. The ICMP shall make provision for appropriate modes of settlement of:
  - a) disputes arising out of contracts and other disputes of a private law character to which ICMP is a party;
  - b) disputes involving an official or expert of ICMP who, by reason of his or her official position, enjoys immunity, if such immunity has not been waived.

2. All disputes arising out of the interpretation or application of this Agreement or supplementary arrangements or agreements between the Parties shall be settled by consultation, negotiation or other agreed mode of settlement.

3. If the dispute is not settled in accordance with paragraph 2 of this Article within three (3) months following a written request by one of the Parties to the difference, it shall, at the request of either Party, be referred to a Tribunal of three arbitrators. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the chairperson of the Tribunal. If, within thirty (30) days of the request for arbitration, a Party has not appointed an arbitrator, or if, within fifteen (15) days of the appointment of two arbitrators, the third arbitrator has not been appointed, either Party may request the President of the International Court of Justice to appoint the arbitrator referred to. The Tribunal shall determine its own procedures, provided that any two arbitrators shall constitute a quorum for all purposes, and all decisions shall require the agreement of any two arbitrators. The expenses of the Tribunal shall be borne by the Parties as assessed by the Tribunal. The arbitral award shall contain a statement of the reasons on which it is based and shall be final and binding on the Parties.

#### Article 27

##### *Interpretation of the Agreement*

This Agreement shall be interpreted in light of its primary purpose of enabling the ICMP through opening and maintaining its office in the host State to fully and efficiently discharge its responsibilities and fulfill its purposes.

#### Article 28

##### *Amendments*

This Agreement may be amended by mutual written consent by the Parties.

#### Article 29

##### *Application*

With respect to the Kingdom of the Netherlands, this Agreement shall apply to the part of the Kingdom in Europe only.

#### Article 30

##### *Entry into force and termination*

1. This Agreement shall enter into force on the day of its signature.

2. This Agreement shall cease to be in force by mutual consent of the Parties, if the seat of the ICMP is removed from the territory of the host State or if the ICMP is dissolved, except for such provisions as may be applicable in connection with the orderly termination of the operations of the ICMP at its headquarters in the host State and the disposition of its property therein, as well as provisions granting immunity from legal process of every kind in respect of words spoken or written or all acts performed in an official capacity under this Agreement.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto, have signed this Agreement.

DONE at The Hague, on 5 October 2015 in duplicate, in the English language.

*For the Kingdom of the Netherlands,*

BERT KOENDERS

*For the International Commission on Missing Persons,*

KATHRYNE BOMBERGER

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MINISTRY OF FOREIGN AFFAIRS

The Hague, 5 October 2015

MINBUZA-2015.546009

Excellency,

On the occasion of the signing of the Host State Agreement between the Kingdom of the Netherlands and the International Commission on Missing Persons concerning the seat of the International Commission on Missing Persons, I would like to refer to the discussions held between representatives of the International Commission on Missing Persons and the Kingdom of the Netherlands concerning the interpretation of certain provisions of the Host State Agreement.

I have the honour to confirm on behalf of the Government of the Netherlands the following understandings.

With respect to Article 2, it is the understanding of the Parties that the term stability encompasses the term "security".

With respect to Article 12(1) and (2) it is the understanding of the Parties that the host State shall not withhold tax on interests and proceeds from investments by the International Commission on Missing Persons in so far as these interests and proceeds from investments are generated within the scope of the official activities of the International Commission on Missing Persons. Such official activities shall include investments made by ICMP in its Providence Fund or other pension, retirement or severance arrangements for the benefit of ICMP staff.

With respect to Article 12(4) it is the understanding of the Parties that goods acquired or imported under the terms set out in paragraph 2 of Article 12 may be sold, let out, given away or otherwise disposed of, but only in accordance with conditions agreed upon with the host State.

With respect to Article 16(1)(h) it is the understanding of the Parties that the words "at the time of first taking up their position in the host State" in general refers to a maximum period of twelve (12) months.

With respect to Article 16(3) and (4) it is the understanding of the Parties that the International Commission on Missing Persons will inform the Protocol Department of the Ministry of Foreign Affairs of the Kingdom of the Netherlands of the available ranks and/or job levels within its organization. ICMP will also inform the Protocol Department of the ranks it considers to be comparable to a diplomatic agent and the ranks it considers to be comparable to administrative and technical staff. The International Commission on Missing Persons will convey this information prior to the taking up of the position by the official.

I should be grateful if you could confirm on behalf of the International Commission on Missing Persons that the above is also the understanding of the International Commission on Missing Persons.

Please accept, Excellency, the assurances of my highest consideration.

*Sincerely,*

A.G. KOENDERS  
Minister of Foreign Affairs

*Ms. Kathryn Bomberger  
Director-General*

*International Commission on Missing Persons  
Sarajevo*

Nr. II

INTERNATIONAL COMMISSION ON MISSING PERSONS

The Hague, 5 October 2015

DG-001/2015

Excellency,

I have the honour to acknowledge receipt of your letter of 5 October 2015, in which you set out your Government's understandings regarding the joint interpretation of certain provisions of the Host State Agreement between the International Commission on Missing Persons and the Kingdom of the Netherlands concerning the seat of the International Commission on Missing Persons.

In accordance with your request, I wish to confirm, on behalf of the International Commission on Missing Persons, that the understandings reflected in your letter confirm with those of the International Commission on Missing Persons.

Please accept, Excellency, the assurances of my highest consideration.

KATHRYNE BOMBERGER  
Director General

*H.E. Mr. Albert Gerard Koenders  
Minister of Foreign Affairs*

*Ministry of Foreign Affairs of the Kingdom of the Netherlands  
The Hague*

D. PARLEMENT

Het verdrag behoeft ingevolge artikel 7, onderdeel a, van de Rijkswet goedkeuring en bekendmaking verdragen juncto artikel 3 van de Wet van 24 december 1947 (*Stb.* H 452) houdende goedkeuring van het Verdrag nopens de voorrechten en immuniteiten van de Verenigde Naties niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het verdrag zijn ingevolge artikel 30, eerste lid, op 5 oktober 2015 in werking getreden.

Wat betreft het Koninkrijk der Nederlanden, geldt het verdrag voor Nederland (het Europese deel).

**Koninkrijk der Nederlanden**

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (in Europa)		05-10-2015		
Nederland (Bonaire)				
Nederland (Sint Eustatius)				
Nederland (Saba)				
Aruba				
Curaçao				
Sint Maarten				

J. VERWIJZINGEN

Titel : Verdrag van Wenen inzake diplomatiek verkeer;  
Wenen, 18 april 1961  
Tekst : *Trb.* 1962, 101 (Engels en Frans)  
*Trb.* 1962, 159 (vertaling)  
Laatste *Trb.* : *Trb.* 1994, 212

Titel : Verdrag over de status en werkzaamheden van de Internationale Commissie voor Vermiste Personen;  
Brussel, 15 december 2014  
Tekst : *Trb.* 2014, 219 (Engels)  
*Trb.* 2015, 68 (vertaling)  
Laatste *Trb.* : *Trb.* 2015, 112

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In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het Verdrag zal zijn bekendgemaakt in Nederland (het Europese deel) op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de zesde oktober 2015.

*De Minister van Buitenlandse Zaken,*

A.G. KOENDERS