

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2016 Nr. 70

A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en de Verenigde Naties betreffende het kantoor van het Joint Investigative Mechanism van de Organisatie voor het Verbod van Chemische Wapens (OVCW) – Verenigde Naties;
's-Gravenhage, 31 mei 2016*

B. TEKST

Agreement between the Kingdom of the Netherlands and the United Nations 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 Kingdom of the Netherlands and the United Nations 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.

Article 5.

Privileges, immunities and facilities

1. The JIM 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 JIM and the archives of the JIM. Furthermore, the JIM 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 JIM 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 Office, 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 Office, 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 JIM, 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 JIM 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 tranquillity of the premises are not impaired by any person or group(s) of persons attempting unauthorized entry into or unto 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 Office, or an official designated by him or her, the competent authorities shall, in consultation with the Head of the Office, 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 JIM shall provide the competent authorities with all information relevant to the security and the protection of the premises.

Article 8.

Law and authority on the premises

1. The premises of the Office shall be under the control and authority of the JIM, 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 JIM 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 JIM 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 32 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 Office 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 Office, or an official designated by him or her, on fair and equitable conditions, the public services needed by the Office 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 Office 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 Office 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 Office is not prejudiced.

4. Upon request of the competent authorities, the Head of the Office, 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 JIM.

Article 10.

Flags, emblems and markings

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

Article 13.

Facilities in respect of communications

1. The JIM 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 JIM shall be inviolable.

2. The JIM 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 JIM. 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 JIM. The JIM 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 JIM, 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 JIM:

- 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 JIM shall obtain the concurrence of the competent authorities.

Article 15.

Exemption from taxes and duties for the JIM and its property

1. Within the scope of its official functions, the JIM, 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 taxes (*motorrijtuigenbelasting*);
- d) taxes on passenger motor vehicles and motorcycles (*belasting van personenauto's en motorrijwielen*);
- e) value added taxes (*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, tobacco products and hydrocarbons such as fuel oils and motor fuels;
- g) real property transfer taxes (*overdrachtsbelasting*);
- h) insurance taxes (*assurantiebelasting*);
- i) energy taxes (*regulerende energiebelasting*);
- j) taxes on mains water (*belasting op leidingwater*); and
- k) 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 entry into force of this Agreement.

2. The exemptions provided for in paragraph 1, subparagraphs e) through k), 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 1 of this Article.

3. Goods acquired or imported under the terms set out in paragraph 1 of this Article shall not be sold, let out, given away or otherwise disposed of in the host State, except in accordance with conditions agreed upon with the host State.

4. The JIM 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 16.

Exemption from import and export restrictions

The JIM shall be exempt from all restrictions on imports and exports in respect of articles imported or exported by the JIM for its official use and in respect of its publications.

PART III.

PRIVILEGES, IMMUNITIES AND FACILITIES ACCORDED TO PERSONS UNDER THIS AGREEMENT

Article 17.

Privileges, immunities and facilities of the Head of the Office

1. The Head of the Office, together with members of his or her family forming part of the household who are not nationals or permanent residents of the host State, shall enjoy the privileges, immunities, exemptions and facilities accorded to heads of diplomatic missions in accordance with international law and in particular under the General Convention and the provisions of the Vienna Convention. He or she shall, *inter alia*, enjoy:

- a) personal inviolability, including immunity from arrest or detention or any other restriction of their liberty and from seizure of their personal baggage;
- b) immunity from criminal, civil and administrative jurisdiction;
- c) inviolability of all papers and documents in whatever form and materials;
- d) immunity from national service obligations;
- e) exemption from immigration restrictions and alien registration;
- f) exemption from taxation on salaries, emoluments and allowances paid to them in respect of their employment with the JIM;
- g) the same privileges in respect of currency and exchange facilities as are accorded to diplomatic agents;
- h) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents;
- i) 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, and to re-export their furniture and effects free of duties and taxes to their country of destination upon separation from the JIM;
- j) for the purpose of their communications with the JIM, the right to receive and send papers in whatever form; and
- k) the same repatriation facilities in time of international crisis as are accorded to diplomatic agents under the Vienna Convention.

2. The Head of the Office shall continue to be accorded immunity from legal process of every kind in respect of words which were spoken or written and all acts which were performed in his or her official capacity even after he or she ceased to perform his or her functions for the JIM.

3. With respect to the inheritance and gift tax, which depends upon residence, periods during which the Head of the Office is present in the host State for the discharge of his or her functions shall not be considered as periods of residence.

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

5. Persons referred to in this Article who are nationals or permanent residents of the host State shall enjoy only the privileges, immunities and facilities under Article V, Section 18 and Article VII of the General Convention, together with the following modifications and supplementary provisions:

- a) personal inviolability, including 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 their official capacity, which immunity shall continue to be accorded even after they have ceased to perform their functions for the JIM;
- c) inviolability of all official papers and documents in whatever form and materials;
- d) exemption from taxation on salaries, emoluments and allowances paid to them in respect of their employment with the JIM;
- e) for the purpose of their communications with the Office the right to receive and send papers in whatever form; and
- f) 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.

6. Persons referred to in paragraph 5 of this Article shall not be subjected by the host State to any measure which may affect the free and independent performance of their functions before the JIM.

Article 18.

Privileges, immunities and facilities of the other officials of the Office

1. Officials of the Office shall enjoy such privileges, immunities and facilities as are necessary for the independent performance of their functions. They shall enjoy privileges and immunities accorded to officials of the United Nations under Articles V and VII of the General Convention, including as modified and supplemented below:

- a) immunity from personal arrest or detention or any other restriction of their liberty and from seizure of their personal baggage;
- b) immunity from legal process of every kind in respect of words spoken or written and all acts performed by them in their official capacity, which immunity shall continue to be accorded even after they have ceased to perform their functions for the JIM;
- c) inviolability of all official papers and documents in whatever form and materials;
- d) immunity from national service obligations;
- e) together with members of their family forming part of the household, exemption from immigration restrictions and alien registration;

- f) exemption from taxation on salaries, emoluments and allowances paid to them in respect of their employment with the JIM;
- g) the same privileges in respect of currency and exchange facilities as are accorded to the officials of comparable rank of diplomatic missions established in the host State;
- h) exemption from inspection of 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 official concerned;
- i) together with members of their family forming part of the household, the same repatriation facilities in time of international crisis as are accorded to diplomatic agents under the Vienna Convention; and
- j) 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, and to re-export their furniture and effects free of duties and taxes to their country of destination upon separation from the Office.

2. In addition to the privileges, immunities and facilities listed in paragraph 1 of this Article officials of the Office of P-5 level and above, together with members of their family forming part of the 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 comparable rank of the 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 the Office of P-4 level and below, together with members of their family forming part of the 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 members of the administrative and technical and service 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.

4. With respect to the inheritance and gift tax, which depends upon residence, periods during which the official is present in the host State for the discharge of his or her functions shall not be considered as periods of residence.

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

6. Persons referred to in this Article who are nationals or permanent residents of the host State shall enjoy only the privileges, immunities and facilities under Article V, Section 18, and Article VII of the General Convention, including as modified and supplemented below:

- 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 their official capacity, which immunity shall continue to be accorded even after they have ceased to perform their functions for the JIM;
- c) inviolability of all official papers and documents in whatever form and materials;
- d) exemption from taxation on salaries, emoluments and allowances paid to them in respect of their employment with the JIM; and
- e) 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.

7. Persons referred to in paragraph 6 under this Article shall not be subjected by the host State to any measure which may affect the free and independent performance of their functions before the JIM.

Article 19.

Experts on mission for the JIM

1. Experts on mission for the JIM shall enjoy the privileges and immunities, exemptions and facilities as are necessary for the independent performance of their functions for the JIM, and in particular, shall enjoy the privileges and immunities, exemptions and facilities under Articles VI and VII of the General Convention.

2. Experts on mission for the JIM shall be provided by the Head of the JIM with a document certifying that they are performing functions for the JIM and specifying a time period for which their functions will last. This certificate shall be withdrawn prior to its expiry if the expert on mission for the JIM is no longer performing functions for the JIM, or if the presence of the expert on mission for the JIM at the seat of the Office is no longer required.

Article 20.

Employment of family members of officials of the Office

1. Members of their family forming part of the household of officials of the Office 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 their family forming part of the household of officials of the Office who obtain gainful employment shall enjoy 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 18 with respect to a claim arising out of gainful employment of that person, the Office shall seek to ensure that the official of the Office of whose family the person concerned is a member, meets their private legal obligations that arise in this connection, and where necessary, the Secretary-General shall give prompt attention to a request for a waiver in this regard.
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 21.

Interns

1. The Ministry of Foreign Affairs shall register interns for a maximum period of six (6) months, provided that the JIM 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 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 JIM;
 - 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. 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 JIM, which immunity shall continue to be accorded even after termination of the internship with the JIM 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 JIM.

PART IV.

WAIVER OF PRIVILEGES, IMMUNITIES, AND FACILITIES

Article 22.

Waiver of privileges, immunities and facilities

1. The privileges, immunities and facilities provided for in Articles 17, 18 and 19, of this Agreement are granted in the interests of the JIM and not for the personal benefit of the individuals themselves.
2. The Secretary-General shall have the right and duty to waive the immunity granted under this Agreement of any person in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the JIM.

PART V.

COOPERATION BETWEEN THE OFFICE AND THE HOST STATE

SECTION 1:

GENERAL

Article 23.

General cooperation between the JIM and the host State

1. Whenever this Agreement imposes obligations on the competent authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government of the host State.
2. The host State shall promptly inform the JIM of the office designated to serve as the official contact point and to be primarily responsible for all matters in relation to this Agreement, as well as of any subsequent changes in this regard.
3. The Head of the Office, or an official designated by him or her, shall serve as the official contact point for the host State and shall be primarily responsible for all matters in relation to this Agreement. The host State shall be informed promptly about this designation and of any subsequent changes in this regard.

Article 24.

Cooperation with the competent authorities

1. The JIM shall cooperate at all times with the competent authorities to facilitate the proper administration of justice and the enforcement of the laws of the host State, to secure the observance of police regulations and to prevent the occurrence of any abuse in connection with the privileges, immunities and facilities accorded under this Agreement.
2. The JIM and the host State shall cooperate on security matters, taking into account the public order and national security interests of the host State.
3. Without prejudice to their privileges, immunities and facilities, it is the duty of all persons enjoying such privileges, immunities and facilities to respect the laws and regulations of the host State and not to interfere in the internal affairs of the host State.
4. The JIM shall cooperate with the competent authorities responsible for health, safety at work, electronic communications and fire prevention.
5. The JIM shall observe all security directives as agreed with the host State, as well as all directives of the competent authorities responsible for fire prevention regulations.

Article 25.

Notification and Identification Cards

1. The Head of the Office, or an official designated by him or her, shall promptly notify the host State of:
 - a) the appointment of officials of the Office, the date of their arrival or commencement of their functions and their final date of departure or termination of their functions with the Office;
 - b) the arrival and final departure date of members of their family forming part of the household of the persons referred to in subparagraph 1(a) of this Article and, where appropriate, the fact that a person has ceased to form part of the household; and
 - c) the arrival and final departure date of private or domestic servants of persons referred to in subparagraph 1(a) of this Article and, where appropriate, the fact that they are leaving the employ of such persons.
2. The host State shall issue to the officials of the Office and to members of their family forming part of the household and to their private or domestic servants an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to the competent authorities.
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 Office, the identity card referred to in paragraph 2 of this Article shall be promptly returned by the Office to the Ministry of Foreign Affairs.

Article 26.

Social security regime

1. The social security systems of the United Nations offer coverage comparable to the coverage under the legislation of the host State. Accordingly, officials of the Office to whom the aforementioned scheme applies shall be exempt from the social security provisions of the host State. Consequently, officials of the Office shall not be covered against the risks described in the social security provisions of the host State.
2. The provisions of paragraph 1 of this Article shall apply *mutatis mutandis*, to the members of the family forming part of the household of the persons referred to in paragraph 1 of this Article, unless they are employed in the Kingdom of the Netherlands by an employer other than the United Nations or receive Netherlands social security benefit.

SECTION 2:

VISAS, PERMITS AND OTHER DOCUMENTS

Article 27.

Visas for officials of the Office and experts on mission for the JIM

1. Officials of the Office and experts on mission for the JIM, as notified as such by the Head of the Office, or an official designated by him or her to the host State, shall have the right of unimpeded entry into, exit from and movement within the host State, including unimpeded access to the premises of the Office.
2. Visas, where required, shall be granted free of charge and as promptly as possible.
3. Applications for visas from members of their family forming part of the household of the officials of the Office, where required, shall be processed by the host State as promptly as possible and granted free of charge.

Article 28.

Laissez-passer and United Nations Certificate

1. The host State shall recognize and accept the United Nations laissez-passer as a valid travel document. Where applicable, the host State further agrees to issue any required visas in the United Nations laissez-passer.
2. The host State shall recognize and accept in accordance with the provisions of Section 26 of the General Convention the United Nations certificate issued to persons travelling on the business of the JIM.
3. Holders of a laissez-passer or a certificate indicating that they are travelling on the business of the JIM shall be granted facilities for speedy travel.

Article 29.

Driving licence

1. During their period of employment with the Office, officials of the Office, as well as members of their family forming part of the household and their private servants, shall be allowed to obtain from the host State a driving licence on presentation of their valid foreign driving licence or to continue to drive using their own valid foreign driving licence, provided they are in possession of an identity card issued by the host State in accordance with Article 25 of this Agreement.
2. During the period of their assignment, any person issued an identity card by the host State shall be allowed to continue to drive using their own valid foreign driving licence.

SECTION 3:

SECURITY, SAFETY AND PROTECTION OF PERSONS REFERRED TO IN THIS AGREEMENT

Article 30.

Security, safety and protection of persons referred to in this Agreement

1. Without prejudice to the privileges, immunities and facilities granted under this Agreement, the competent authorities shall take effective and adequate action which may be required to ensure the security, safety and protection of persons referred to in this Agreement, indispensable for the proper functioning of the JIM, free from interference of any kind.
2. The JIM shall cooperate with the competent authorities with a view to facilitating the observance by all persons referred to in this Agreement of the directives necessary for their security and safety, as given to them by the competent authorities.
3. Without prejudice to their privileges, immunities and facilities, it is the duty of all persons referred to in this Agreement to observe the directives necessary for their security and safety, as given to them by the competent authorities.

PART VI.

FINAL PROVISIONS

Article 31.

Supplementary arrangements and agreements

The JIM and the host State may, for the purpose of implementing this Agreement or of addressing matters not foreseen in this Agreement, make supplementary arrangements and agreements as appropriate.

Article 32.

Settlement of disputes with third parties

The JIM shall make provisions for appropriate modes of settlement of:

- a) disputes arising out of contracts and other disputes of a private law character to which the JIM is a party; and
- b) disputes involving any person referred to in this Agreement who, by reason of his or her official position or function in connection with the JIM, enjoys immunity, if such immunity has not been waived by the Secretary-General.

Article 33.

Settlement of differences on the interpretation or application of this Agreement or supplementary arrangements or agreements

1. All differences 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.
2. If the difference is not settled in accordance with paragraph 1 of this Article within three 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 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 34.

Application

This Agreement shall apply to the part of the Kingdom of the Netherlands in Europe only.

Article 35.

Amendments and termination

1. This Agreement may be amended by mutual written consent of the Parties.
2. This Agreement shall be reviewed at the request of either Party.
3. This Agreement shall cease to be in force by mutual consent of the Parties, if the Office is removed from the territory of the host State or upon completion of the JIM's mandate, except for such provisions as may be applicable in connection with the orderly termination of the operations of the JIM 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.

Article 36.

Interpretation of agreements

The provisions of this Agreement shall be complementary to the provisions of the General Convention and the Vienna Convention, the latter Convention only insofar as it is relevant for the diplomatic privileges, immunities and facilities accorded to the appropriate categories of persons referred to in this Agreement. Insofar as any provision of this Agreement and any provisions of the General Convention and the Vienna Convention relate to the same subject matter, each of these provisions shall be applicable and neither shall narrow the effect of the other.

Article 37.

Entry into force

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

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

DONE at The Hague, The Netherlands, on the 31st day of May in the year Two Thousand and Sixteen, in duplicate, in the English language.

For the Kingdom of the Netherlands,

J.LC. VAN DER WERFF

For the United Nations,

VIRGINIA GAMBA

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 37 op 31 mei 2016 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)		31-05-2016		
Nederland (Bonaire)				
Nederland (Sint Eustatius)				
Nederland (Saba)				
Aruba				
Curaçao				
Sint Maarten				

J. VERWIJZINGEN

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945

Tekst : *Trb.* 1979, 37 (Engels en Frans, geconsolideerd)
Trb. 1987, 113 (vertaling, geconsolideerd)

Laatste *Trb.* : *Trb.* 1994, 210

Titel : Verdrag nopens de voorrechten en immuniteiten van de Verenigde Naties;
Londen, 13 februari 1946

Tekst : *Stb.* 1948, 224 (Engels, Frans, vertaling)

Laatste *Trb.* : *Trb.* 1994, 210

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 tussen het Koninkrijk der Nederlanden en de Organisatie voor het Verbod van Chemische Wapens (OVCW) betreffende de zetel van de OVCW;
's-Gravenhage, 22 mei 1997

Tekst : *Trb.* 1997, 114 (Nederlands, Engels, Frans)

Laatste *Trb.* : *Trb.* 1997, 228

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 *derde* juni 2016.

De Minister van Buitenlandse Zaken,

A.G. KOENDERS