

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2017 Nr. 55

A. TITEL

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

Voor een overzicht van de verdragsgegevens, zie verdragsnummer 013118 en 013404 in de Verdragenbank.

B. TEKST

Bij notawisseling tussen het Koninkrijk der Nederlanden en de Internationale Commissie voor Vermiste Personen is op 12 april 2017 te 's-Gravenhage een verdrag tot stand gekomen inzake wijziging van het Gastlandverdrag. De Engelse tekst van de nota's luidt als volgt:

Nr. I

MINISTRY OF FOREIGN AFFAIRS

The Hague, 12 April 2017

Treaties Division

MINBUZA-2017.558103

The Ministry of Foreign Affairs of the Kingdom of the Netherlands (hereinafter referred to as "the Ministry") presents its compliments to the International Commission on Missing Persons (hereinafter referred to as "ICMP") and has the honour to refer to the Host State Agreement between the Kingdom of the Netherlands and the ICMP done at The Hague on 5 October 2015 (hereinafter referred to as "the Host State Agreement").

The Ministry would like to draw attention to Article 11, paragraph (1) of the Host State Agreement which regulates the immunity of funds, assets and other property of the ICMP.

In line with international customary law and common practice of the Netherlands, the immunity from every form of legal process in the host State should not be limited to funds, assets and other property of the ICMP but also extend to the ICMP as an international legal person.

The Ministry would also like to draw attention to Article 23 of the Host State Agreement which concerns the applicability of social security provisions of the Netherlands to the ICMP and its officials, and with respect to which the ICMP has expressed the wish that, because the social security system of the ICMP offers coverage comparable to the coverage under the legislation of the host State, family members forming part of the household of the ICMP officials are exempted from the social security provisions of the Netherlands.

For these reasons the Ministry proposes the following amendments of the Host State Agreement:

- (1) Article 11, paragraph (1) of the Host State Agreement shall be replaced by the following paragraph:
"1. The ICMP, its funds, assets and other property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process in the host State."
- (2) Article 23 of the Host State Agreement shall be deleted in its entirety and replaced by the following Article:

“Article 23
Social security

“The social security system of the ICMP offers coverage comparable to the coverage under the legislation of the host State. Accordingly, the ICMP and its officials as well as family members forming part of their household 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.”

If this proposal is acceptable to the ICMP, the Ministry has the honour to propose that this Note MINBUZA-2017.558103 and the affirmative Note Verbale in reply from the ICMP shall constitute an agreement between the Kingdom of the Netherlands and the ICMP to amend the Host State Agreement (hereinafter referred to as “the Amendment”). This Amendment shall enter into force on the date of the affirmative Note Verbale in response from the ICMP.

The Ministry avails itself of this opportunity to renew to the ICMP the assurances of its highest consideration.

*International Commission on Missing Persons
The Hague*

Nr. II

INTERNATIONAL COMMISSION ON MISSING PERSONS

The Hague, 12 April 2017

The International Commission on Missing Persons (hereinafter referred to as “ICMP”) presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands (hereinafter referred to as “the Ministry”) and has the honour to acknowledge receipt of the Ministry’s Note MINBUZA-2017.558103 of 12 April 2017, which reads as follows:

(Zoals in Nr. I)

The ICMP has the honour to inform the Ministry that the aforementioned proposal is acceptable to the ICMP. The ICMP accordingly agrees that the Ministry’s Note MINBUZA-2017. 558103 and this reply shall constitute an Amendment to the Host Country Agreement between the Kingdom of the Netherlands and the ICMP done at The Hague on 5 October 2015. This Amendment shall enter into force on the date of this Note Verbale.

The ICMP avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

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

D. PARLEMENT

Het in de nota’s vervatte 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 in de nota’s vervatte verdrag zijn ingevolge het gestelde in de voorlaatste alinea van de nota’s nr. I en II op 12 april 2017 in werking getreden.

Wat betreft het Koninkrijk der Nederlanden, geldt het in de nota’s vervatte verdrag, evenals het Gastlandverdrag, voor Nederland (het Europese deel).

Koninkrijk der Nederlanden

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (in Europa)		12-04-2017		
Nederland (Bonaire)				
Nederland (Sint Eustatius)				
Nederland (Saba)				
Aruba				
Curaçao				
Sint Maarten				

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

Uitgegeven de *eenentwintigste* april 2017.

De Minister van Buitenlandse Zaken,

A.G. KOENDERS