

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2023 Nr. 51

A. TITEL

*Gastlandverdrag tussen het Koninkrijk der Nederlanden, ten behoeve van Sint Maarten, en de Verenigde Naties inzake de vestiging van een kantoor van het United Nations Office for Project Services in Sint Maarten;
Kopenhagen, 3 april 2023*

Voor een overzicht van de verdragsgegevens, zie verdragsnummer 013708 in de Verdragenbank.

B. TEKST

Host State Agreement between the Kingdom of the Netherlands, in respect of Sint Maarten, and the United Nations concerning the establishment of an office of the United Nations Office for Project Services in Sint Maarten

The Kingdom of the Netherlands, in respect of Sint Maarten,

and

the United Nations,

Whereas the United Nations (UN), through its subsidiary organization the United Nations Office for Project Services (UNOPS), established by UN General Assembly decision 48/501 of 19 September 1994, wishes to establish an office in Philipsburg, Sint Maarten to facilitate the implementation of its mandate;

Whereas the Kingdom of the Netherlands, in respect of Sint Maarten, wishes to facilitate the work of UNOPS in this regard;

Desiring to lay down conditions concerning the privileges, immunities, facilities, and services of and related to the Office of UNOPS in the territory of Sint Maarten as are necessary for the fulfilment of the purposes of the Office;

The United Nations and the Kingdom of the Netherlands, in respect of Sint Maarten, have entered into this Agreement in a spirit of friendly co-operation and agreed as follows:

PART I:

GENERAL PROVISIONS

Article 1.

Use of terms

For the purpose of this Agreement:

- a) "Agreement" means this Host State Agreement between the Kingdom of the Netherlands, in respect of Sint Maarten, and the United Nations;
- b) "Host Country" means Sint Maarten, as a constituent country of the Kingdom of the Netherlands;
- c) "UNOPS" means the United Nations Office for Project Services;
- d) "Office" means the Office of UNOPS in Sint Maarten;
- e) "Government" means the Government of Sint Maarten;

- f) "Parties" means UNOPS and the Kingdom of the Netherlands, in respect of Sint Maarten, each of which shall be referred to herein as a "Party";
- g) "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;
- h) "Vienna Convention" means the Vienna Convention on Diplomatic Relations of 18 April 1961, to which the Kingdom of the Netherlands acceded on 7 September 1984;
- i) The "Head of the Office" means the person appointed by the Executive Director to head the Office;
- j) "officials of the Office" means the Head of the Office, UN staff who are assigned by the Secretary-General to serve as part of the Office, and persons assigned by the Executive Director to perform services on behalf of UNOPS or the Office;
- k) "experts on mission" means persons, other than officials of the Office, who, on a temporary basis, perform missions at the request of or on behalf of the Office;
- l) "family members forming part of the household" means:
 - spouses and registered partners of a staff member of the Office continuously living with the staff member;
 - children of the staff member under the age of 18;
 - children of the staff member up to and including the age of 27 provided that they are unmarried, financially dependent on their parents and living continuously with their parent(s) during their posting in the Host Country; and
 - any such member of the immediate family of the staff member of the Office as may be agreed upon between the Host Country and the United Nations.
- m) "premises" means buildings, parts of buildings and areas, including installations and facilities made available to, maintained, occupied or used by the Office in the territory of the Host Country in consultation with the Host Country, in connection with its functions and purposes on Sint Maarten;
- n) "property" means, without prejudice to the General Convention, all property (be it material, real, or intellectual), assets, and funds belonging to the Office or held or administered by the Office in the territory of the Host Country in furtherance of its functions;
- o) "Ministry of Foreign Affairs" means the Ministry of Foreign Affairs of the Kingdom of the Netherlands;
- p) "competent authorities" means national, provincial, municipal and other competent authorities under the laws, regulations and customs of the Host Country;
- q) "Secretary-General" means the Secretary-General of the United Nations;
- r) "Executive Director" means the Executive Director of UNOPS.

Article 2.

Establishment of the Office

1. UNOPS shall establish an Office in the Host Country, to carry out functions in accordance with the mandate of UNOPS set out in United Nations General Assembly Resolution 65/176 and Executive Board decisions 2009/25, 2010/21, 2013/23, 2015/12, 2016/12, 2016/19, 2017/16 and subsequent decisions.
2. The seat of the Office shall be located in Philipsburg, Sint Maarten.

Article 3.

Purpose and scope of this Agreement

This Agreement shall regulate matters relating to or arising out of the establishment and the proper functioning of the Office in the Host Country. 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 Office shall possess full juridical personality in the Host Country. This shall, in particular, include the capacity:
 - a) to contract;
 - b) to acquire and dispose of movable and immovable property; and
 - c) to institute legal proceedings.
2. For the purpose of this Article, the Office shall be represented by the Head of the Office.

Article 5.

Privileges, immunities and facilities

1. The Office shall enjoy, in the territory of the Host Country, such privileges, immunities and facilities as are necessary for the fulfilment of its purposes.
2. The General Convention shall apply to the Office and the archives of the Office. Furthermore, the Office 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 Office 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 Office, 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 Office 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 Country.

Article 7.

Protection of the premises and their vicinity

1. The competent authorities of the Host Country 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 onto the premises or creating disturbances in the immediate vicinity. As may be required for this purpose, the Host Country 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 Office shall provide the competent authorities with all information relevant to the security and protection of the premises.

Article 8.

Law and authority on the premises

1. The premises of the Office shall be under the control and authority of the Office, 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 Country, and, where applicable, the Kingdom of the Netherlands shall apply on the premises.
3. The Office shall apply United Nations rules and regulations as are necessary for the carrying out of its functions. No laws or regulations of the Host Country and, where applicable, the Kingdom of the Netherlands, 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 Office and the Host Country 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 Country or, where applicable, the Kingdom of the Netherlands is inconsistent with a rule or regulation of the United Nations under this Article shall promptly be settled by the procedure under Article 33 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 Country 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 facilitate, to the best of their abilities and as far as practically feasible, upon the request of the Head of the Office, or an official designated by him or her, on fair and equitable conditions, access to 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.

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 accredited foreign missions.

3. In case of force majeure, resulting in a complete or partial disruption of the above-mentioned services, the Office shall be accorded the same priority given to governmental agencies and organs of the Host Country.

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 Office.

Article 10.

Flags, emblems and markings

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

Article 11.

Funds, assets and other property

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

Article 13.

Facilities and immunities in respect of communications

1. The Office 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 Office shall be inviolable.
2. The Office 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 Office. 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 Office. The Office 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 Country in accordance with its national procedures. The Host Country shall endeavour to allocate to the Office, 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 Office:

- 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 Country; and
- c) may raise funds in any manner which it deems desirable, except that with respect to the raising of funds within the Host Country, the Office shall obtain the concurrence of the competent authorities.

Article 15.

Exemption from taxes and duties for the Office and its property

1. Within the scope of its official activities, the Office, its assets, income and other property shall be exempt from:
 - a) all direct taxes, whether levied by national, provincial or local authorities, which includes, *inter alia*, corporation tax;
 - b) import and export taxes and duties (*belastingen bij invoer en uitvoer*);
 - c) motor vehicle tax (*motorrijtuigenbelasting*);
 - d) tax on passenger motor vehicles and motorcycles (*belasting van personenauto's en motorrijwielen*);
 - e) value added tax (*omzetbelasting*) paid on goods and services supplied on a recurring basis or involving considerable expenditure;
 - f) excise duties (*accijnzen*) included in the price of alcoholic beverages and hydrocarbons such as fuel oils and motor fuels, as well as chemical supplies;
 - g) real property transfer tax (*overdrachtsbelasting*);
 - h) insurance tax (*assurantiebelasting*);
 - i) energy tax (*energiebelasting*);
 - j) tax on mains water (*belasting op leidingwater*); and
 - k) any other taxes and duties of a substantially similar character as the taxes provided for in this paragraph, levied in the Host Country subsequent to the date of entry into force of this Agreement.
2. The exemptions provided for in paragraph 1, subparagraph e) and f), 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 Country. 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 Country, except in accordance with conditions agreed upon with the Host Country.
4. The Office 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.

5. While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article 16.

Exemption from import and export restrictions

The Office shall be exempt from all restrictions on imports and exports in respect of articles imported or exported by the Office 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 his or her family members forming part of the household who are not nationals or permanent residents of the Host Country, 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 UNOPS;
 - 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 Country, and to re-export their furniture and effects free of duties and taxes to their country of destination upon separation from UNOPS;
 - j) for the purpose of their communications with the Office, 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 Office.
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 Country for the discharge of his or her functions shall not be considered as periods of residence.
4. The Host Country shall not be obliged to exempt from income tax pensions or annuities paid to former Heads of the Office and their family members forming part of the household.
5. Persons referred to in this Article who are nationals or permanent residents of the Host Country shall enjoy within the Host Country 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) 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 Office;
 - b) inviolability of all official papers and documents in whatever form and materials;
 - c) exemption from taxation on salaries, emoluments and allowances paid to them in respect of their employment with UNOPS;
 - d) for the purpose of their communications with the Office the right to receive and send papers in whatever form; 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 Country.
6. Persons referred to in paragraph 5 of this Article shall not be subjected by the Host Country to any measure which may affect the free and independent performance of their functions for the Office.

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 in the Host Country. 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 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 Office;
- b) immunity from seizure and inspection of official baggage;
- c) inviolability of all official papers and documents in whatever form and materials;
- d) immunity from national service obligations;
- e) together with their family members 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 UNOPS;
- 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 Country;
- 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 Country; an inspection in such a case shall be conducted in the presence of the official concerned;
- i) together with their family members 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 Country, 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 their family members forming part of the household who are not nationals or permanent residents of the Host Country, shall be accorded the same privileges, immunities and facilities as the Host Country accords to diplomatic agents of comparable rank of the diplomatic missions established in the Host Country 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 their family members forming part of the household who are not nationals or permanent residents of the Host Country, shall be accorded the same privileges, immunities and facilities as the Host Country accords to members of the administrative and technical and service staff of diplomatic missions established in the Host Country, in conformity with the Vienna Convention, provided that the immunity from criminal jurisdiction 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 officials of the Office are present in the Host Country for the discharge of their functions shall not be considered as periods of residence.

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

6. Persons referred to in this Article who are nationals or permanent residents of the Host Country 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 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 Office;
- b) inviolability of all official papers and documents in whatever form and materials;
- c) exemption from taxation on salaries, emoluments and allowances paid to them in respect of their employment with UNOPS; and

d) 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 Country.

7. Persons referred to in paragraph 6 under this Article shall not be subjected by the Host Country to any measure which may affect the free and independent performance of their functions for the Office.

Article 19.

Experts on mission for the Office

1. Experts on mission for the Office shall enjoy the privileges and immunities, exemptions and facilities as are necessary for the independent performance of their functions for the Office, 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 Office shall be provided by the Head of the Office with a document certifying that they are performing functions for the Office 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 Office is no longer performing functions for the Office.

Article 20.

Employment of family members of officials of the Office

1. Family members forming part of the household of an official of the Office shall be authorized to engage in gainful employment in the Host Country for the duration of the term of office of the official concerned.

2. Family members forming part of the household of an official 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 eighteen (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 Country, including fiscal and social security legislation.

Article 21.

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 UNOPS 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 Office. The terms and conditions of employment of such individuals shall be in accordance with the relevant Regulations of UNOPS.

PART IV:

WAIVER OF PRIVILEGES, IMMUNITIES, AND FACILITIES

Article 22.

Waiver of immunities

1. The privileges, immunities and facilities provided for in Articles 17, 18 and 19, of this Agreement are granted in the interests of the Office and not for the personal benefit of the persons 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 the Secretary General's opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Office.

PART V:
COOPERATION BETWEEN THE OFFICE AND THE HOST COUNTRY

SECTION 1.:

GENERAL

Article 23.

General cooperation between the Office and the Host Country

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 Country.
2. The Host Country shall promptly inform the Head of the Office who has been 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 Country and shall be primarily responsible for all matters in relation to this Agreement. The Host Country shall be informed promptly about this designation and of any subsequent changes in this regard.

Article 24.

Cooperation with the competent authorities

1. The Office 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 Country, 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 Office and the Host Country shall cooperate on security matters, taking into account the public order and national security interests of the Host Country.
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 Country and not to interfere in the internal affairs of the Host Country.
4. The Office shall cooperate with the competent authorities responsible for health, safety at work, electronic communications and fire prevention.
5. The Office shall observe all security directives as agreed with the Host Country, as well as all directives of the competent authorities responsible for fire prevention regulations.

Article 25.

Notification and Identification Cards

1. With respect to officials of the Office, the Office shall promptly, but within eight (8) days, notify the Host Country of their date of appointment.
2. The Office shall promptly, but within eight (8) days, notify the Host Country of the date of hiring of experts on missions, the date of hiring of persons in the personal employ of officials of the Office, and the date of hiring of personnel recruited locally in accordance with Article 21 of this Agreement.
3. In order to facilitate the entry and stay of the persons mentioned below, the Office will promptly, and preferably no later than eight (8) days after the date of their first arrival in the Host Country, inform the Host Country of:
 - a) the presence of officials of the Office;
 - b) the presence of family members forming part of the household of officials of the Office;
 - c) the presence of experts on mission;
 - d) the presence of persons in the personal employ of those referred to in subparagraph (a) of this paragraph;
 - e) the date of the arrival of the persons referred to in subparagraphs (a), (b), (c) and (d) of this paragraph.

4. With respect to the persons referred to in paragraphs 2 and 3 of this Article, the Office shall promptly, but within eight (8) days, notify the Host Country of their final departure or the termination of their functions or their involvement with UNOPS.
5. With respect to family members forming part of the household of officials of the Office, the Office shall, where appropriate, promptly, but within eight (8) days, notify the Host Country once a person has ceased to form part of the household.
6. With respect to persons in the personal employ of officials of the Office, the Office shall, where appropriate, promptly, but within eight (8) days, notify the Host Country once a person is no longer in the personal employ of officials of the Office.
7. Without prejudice to their status, the Host Country shall, as and when they become available, issue an identity card which shall serve to identify the holder in relation to the competent authorities, to:
 - officials of the Office who are assigned to serve in the Host Country;
 - family members forming part of the household of the persons referred to in paragraph 3(a) of this Article;
 - experts on mission, provided that the Department of Foreign Relations has been supplied with the document referred to under Article 19(2) of this Agreement;
 - persons referred to in paragraph 3(d) of this Article.
8. Upon request, the Host Country shall issue an identity card which shall serve to identify the holder in relation to the competent authorities to personnel recruited locally in accordance with Article 21 of this Agreement.
9. At the final departure of the persons referred to in paragraphs 2 and 3 of this Article or when these persons have ceased to perform their functions, the identity card referred to in paragraph 7 and 8 of this Article shall be promptly, and not later than within fifteen (15) days, be returned by the Office to the Department of Foreign Relations. In case persons who have ceased to perform their functions are not able to return the identity card referred to in paragraph 7 and 8 of this Article within the specified time period, the Department of Foreign Relations shall be consulted immediately.

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 Country. Accordingly, officials of the Office to whom the aforementioned scheme applies shall be exempt from the social security provisions of the Host Country. Consequently, these officials of the Office shall not be covered against the risks described in the social security provisions of the Host Country.
2. Officials of the Office to whom the scheme mentioned in paragraph 1 of this Article does not apply, shall also be exempt from the social security provisions of the Host Country. Consequently, these officials of the Office shall not be covered against the risks described in the social security provisions of the Host Country. UNOPS shall ensure that these officials of the Office have a medical insurance policy that ensures adequate coverage, being no less than meeting the minimum requirements regarding coverage under the legislation of the Host Country, for the duration of their presence in the Host Country.

SECTION 2.:

VISAS, PERMITS AND OTHER DOCUMENTS

Article 27.

Entry, stay and departure

1. For purposes of official business of the persons listed below and their family members forming part of the household, the Host Country shall facilitate their entry, departure and transit into or from its territory:
 - a) the Head of the Office;
 - b) other officials of the Office;
 - c) experts on mission;
2. This Article shall not prevent the requirement of reasonable evidence to be provided by the Office 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. Without prejudice to the provisions of the General Convention, all the aforementioned persons who are entitled to the privileges and immunities under this Agreement, shall enjoy these privileges and immunities from the moment they enter the territory of the Host Country to take up their posts or to undertake official Office-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 Office-related duties.

Article 28.

Laissez-passer and United Nations Certificate

1. The Host Country shall recognize and accept the United Nations laissez-passer as a valid travel document. Where applicable, the Host Country further agrees to issue any required visas in the United Nations laissez-passer.

2. The Host Country shall recognize and accept in accordance with the provisions of Section 26 of the General Convention the United Nations certificates issued to persons travelling on the business of the Office.

3. Holders of a laissez-passer or a certificate indicating that they are travelling on the business of the Office shall be granted facilities for speedy travel.

Article 29.

Driving licence

1. During the period of their assignment, any person holding the United Nations laissez-passer and/or an identity card by the Host Country 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, to the best of their abilities, 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 Office, free from interference of any kind.

2. The Office 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 lawfully given to them by the competent authorities.

PART VI:

FINAL PROVISIONS

Article 31.

Supplementary arrangements and agreements

The Office and the Host Country 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

UNOPS 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 Office 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 Office, 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 (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 34.

Application

With respect to the Kingdom of the Netherlands, this Agreement shall apply to Sint Maarten only.

Article 35.

Amendments and review

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.

Article 36.

Interpretation of the Agreement, the General Convention and the Vienna Convention

1. This Agreement shall be interpreted in light of its primary purpose of enabling UNOPS through opening and maintaining its Office in the Host Country to fully and efficiently discharge its responsibilities and fulfil its purposes.
2. 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 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 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, or if the Office is permanently removed from the territory of the Host Country or upon completion of the Office's mandate as decided upon by the United Nations, except for such provisions as may be applicable in connection with the orderly termination of the operations of the Office in the Host Country 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 Copenhagen, on 3 April 2023, in duplicate, in the English language.

For the Kingdom of the Netherlands, in respect of Sint Maarten,

SILVERIA ELFRIEDA JACOBS

For the United Nations,

LILIAN NYANG'AYA

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, eerste lid, van het Verdrag op 3 april 2023 in werking getreden.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag voor 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 Verdrag zal zijn bekend gemaakt in Sint Maarten op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *elfde* april 2023.

De Minister van Buitenlandse Zaken,

W.B. HOEKSTRA