

No. 11190

**BELGIUM
and
INTERNATIONAL INSTITUTE FOR COTTON**

Headquarters Agreement. Signed at Brussels on 21 February 1967

Authentic texts : French, Dutch and English.

Registered by Belgium on 29 June 1971.

**BELGIQUE
et
INSTITUT INTERNATIONAL DU COTON**

Accord de siège. Signé à Bruxelles le 21 février 1967

Textes authentiques : français, néerlandais et anglais.

Enregistré par la Belgique le 29 juin 1971.

HEADQUARTERS AGREEMENT¹ BETWEEN BELGIUM AND THE INTERNATIONAL INSTITUTE FOR COTTON

The Kingdom of Belgium, hereinafter referred to as “ Belgium ”, and
The International Institute for Cotton, established by a Convention concluded at Washington, hereinafter referred to as the “ Convention ”, opened to signature until February 26, 1966,² signed by Mexico, the United States of America, the United Arab Republic, Spain, India and the Sudan, to which Uganda and Tanzania have adhered on the date hereof, hereinafter referred to as the “ Institute ”,

Desiring to conclude an agreement for the purpose of permitting the Institute to establish its European seat in Belgium, and to fix its legal status and the appropriate privileges and immunities to enable it to accomplish the tasks conferred upon it :

Have, for these purposes, designated their respective representatives :

Belgium : Mr. P. Harmel, Minister for Foreign Affairs ;

The Institute : Mr. Read P. Dunn, Jr., Executive Director,

Who, after exchanging their credentials, have agreed as follows :

CHAPTER I

STATUS, PRIVILEGES AND IMMUNITIES OF THE INSTITUTE

Article 1

The Institute, in order to accomplish the objectives envisaged by article one of the Convention, shall have legal personality; in particular, it shall have the capacity :

- (a) to contract;
- (b) to purchase and sell real and personal property;
- (c) to sue and be sued.

Article 2

The Institute is subject to Belgian jurisdiction. However, the property and assets of the Institute may not be subjected to any form of seizure, confiscation

¹ Came into force on 30 December 1970 by the exchange of the instruments of ratification and approval, which took place at Brussels.

² United Nations, *Treaty Series*, vol. 592, p. 171.

or other method of execution so long as final judgment shall not have been rendered or this immunity expressly withdrawn by the Institute.

Article 3

The property and assets of the Institute may not be subjected to any form of requisition for purposes of national defense or public use.

If expropriation for one of these purposes should become necessary; all appropriate measures shall be taken to prevent any hindrance to the functioning of the Institute, and a prompt and adequate indemnity shall be paid to it.

Article 4

The archives of the Institute shall be inviolable.

Article 5

Belgium shall permit and safeguard the freedom of communications of the Institute for its official purposes. The official correspondence of the Institute shall be inviolable.

Article 6

Belgium shall accord exemption from all custom duties, taxes and other related charges other than expenses of storage and transportation and expenses of similar services, to the importation of articles destined for official use of the Institute; articles thus imported may only be sold or otherwise transferred on the conditions prescribed by Belgian laws and regulations.

Article 7

The Institute, its property, revenues and other assets are exempt from all direct taxes. Upon the purchase by the Institute of substantial real or personal property, or important services strictly necessary for the performance of its official functions, and the price of which includes indirect duties or sale taxes, appropriate measures shall be taken to the extent possible on each such occasion for the purpose of remitting or refunding the amount of such duties or taxes.

No exemption is accorded with respect to charges, taxes and duties which merely compensate for services rendered.

CHAPTER II

REPRESENTATIVES OF THE MEMBER STATES OF THE INSTITUTE

Article 8

Representatives of the member states shall benefit, for the duration of their official mission, on condition that Belgium is informed of such mission in advance :

- (a) from immunity from jurisdiction for their acts, both oral and written, effected in the performance of their mission;
- (b) from the same terms concerning monetary or exchange regulations as those accorded to representatives of foreign governments on temporary official missions.

CHAPTER III

MEMBERS OF THE STAFF OF THE INSTITUTE

Article 9

The Executive Director of the Institute shall enjoy the advantages accorded members of the diplomatic staff of diplomatic missions. The wife of the Executive Director and minor children forming part of his household shall enjoy the advantages accorded to the wife and minor children of diplomatic personnel.

Article 10

The members of the staff of the Institute shall enjoy immunity from jurisdiction only with respect to actions, both oral and written, effected in the performance of their official functions.

Article 11

Members of the staff of the Institute shall enjoy the same advantages customarily accorded to officials of international organizations with respect to monetary and exchange regulations.

Article 12

Members of the staff of the Institute who do not engage in any gainful occupation in Belgium other than that resulting from their duties at the Institute as well as those members of their families forming part of their households and do not engage in any private business activity in Belgium, shall not be subject to Belgian legislation concerning foreign workers or foreigners engaging in independent professional activity. The Institute shall give notice of the arrival and departure of said persons, and where appropriate, the date of termination of their duties; such persons shall be entitled to a special visa.

Article 13

1. As concerns social security, members of the staff of the Institute who are neither nationals nor permanent residents of Belgium and who there engage in

no other private gainful occupation other than that required by their official functions, may elect for the application of either the Belgian legislation or that of their country of origin.

2. This right of election may only be exercised once, and within three months after undertaking their duties in Belgium.

3. The Institute shall assume all the obligations of an employer with respect to those persons who elect the Belgian régime.

4. The Institute shall see to it that those persons who decline the Belgian régime are effectively covered by an adequate social security régime, and Belgium may obtain reimbursement from the Institute for the expenses occasioned by any public assistance.

Article 14

If a state other than Belgium maintains one of its nationals as a member of the Institute staff and pays his compensation and benefits from its own funds, said compensation and benefits shall remain subject to the fiscal régime of that state and shall be exempt from Belgian tax.

CHAPTER IV GENERAL PROVISIONS

Article 15

Belgium reserves the right to take any and all precautions necessary in the interest of its security.

Article 16

Belgium shall not be bound to accord the advantages, privileges and immunities provided in this Agreement to its own nationals or to permanent residents.

Article 17

The persons mentioned in articles 8, 9 and 10 shall not benefit from any immunity from jurisdiction with respect to :

- (1) traffic violations or damages caused by a motor vehicle;
- (2) contracts not expressly made on behalf of the Institute.

Article 18

The advantages provided by the present Agreement are conditioned upon compliance with the formalities prescribed by Belgian laws and regulations.

Article 19

Privileges and immunities are granted in the interest of accomplishing the official functions of the Institute, and the latter has not only the right but the duty to waive them in every case where they impede the normal administration of justice and where such waiver would not be of such a nature as to interfere with the accomplishment of the functions of the Institute.

Article 20

All differences concerning the interpretation of the present Agreement shall be settled amicably by the Belgian Government and the Institute. If such consultation does not resolve the difference, it may be submitted, upon the request of one of the Parties, to an arbitral tribunal. The tribunal shall be composed of three arbitrators, the first two being named by Belgium and the Institute, respectively, and the third designated by the two arbitrators thus named. The third arbitrator shall decide questions of procedure in case of disagreement of the Parties in that regard.

CHAPTER V

FINAL PROVISIONS

Article 21

The present Agreement shall be ratified by Belgium and approved by the Institute, and the instruments shall be exchanged in Brussels.

It shall remain in force for as long as the European seat of the Institute remains in Belgium, or one year from the date on which either Party gives notice to the other of its intention to terminate.

EN FOI DE QUOI, les représentants respectifs de la Belgique et de l'Institut ont signé le présent Accord.

FAIT à Bruxelles, le 21 février 1967, en deux exemplaires, dans les langues française, néerlandaise et anglaise, les deux exemplaires et les trois textes faisant également foi.

TEN BLIJKE WAARVAN, de respectieve gemachtigden van België en van het Instituut dit Akkoord hebben ondertekend.

GEDAAN te Brussel, op 21 februari 1967, in twee exemplaren, in de Nederlandse, de Franse en de Engelse taal, zijnde de twee exemplaren en de drie teksten gelijkelijk authentiek.

IN WITNESS WHEREOF the respective representatives of Belgium and the Institute have signed the present Agreement.

DONE in two originals at Brussels, the 21st of February, 1967, in the English, French and Dutch languages, the two copies and the three texts being of equal force.

Pour la Belgique :

Voor België :

For Belgium :

[*Signé — Signed*]

P. HARMEL

Pour l'Institut International du Coton :
Voor het Internationaal Katoeninstituut :
For the International Institute for Cotton :

[*Signé — Signed*]

READ P. DUNN, Jr.
