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**Belgium
and
Organization of the Islamic Conference**

Headquarters Agreement between the Kingdom of Belgium and the Organisation of the Islamic Conference. Brussels, 4 February 2011

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**Belgique
et
Organisation de la Conférence islamique**

**Accord de siège entre le Royaume de Belgique et l'Organisation de la Conférence islamique.
Bruxelles, 4 février 2011**

Entrée en vigueur : *1^{er} mars 2016, conformément à l'article 33*

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[ENGLISH TEXT – TEXTE ANGLAIS]

HEADQUARTERS AGREEMENT

BETWEEN

THE KINGDOM OF BELGIUM

AND

THE ORGANISATION OF THE ISLAMIC CONFERENCE

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BETWEEN
THE KINGDOM OF BELGIUM
AND
THE ORGANISATION OF THE ISLAMIC CONFERENCE**

**THE KINGDOM OF BELGIUM,
hereinafter referred to as “Belgium”,**

and

**THE ORGANISATION OF THE ISLAMIC CONFERENCE,
hereinafter referred to as “the OIC”;**

HAVING REGARD to the Charter of the Organisation of the Islamic Conference, adopted by the third Islamic Conference of Foreign Ministers held in Jeddah from 29 February to 3 March 1972 and revised by the 11th Session of the Islamic Summit Conference which was held in Dakar, Senegal from 13 to 14 March 2008;

RESPONDING to the desire of the OIC as stipulated in resolution 21/32-POL adopted by the 32nd Islamic Conference of Foreign Ministers, to establish a Permanent Observer Mission in Belgium, hereinafter referred to as “the Mission”;

WISHING to conclude an agreement to determine the privileges and immunities necessary for the functioning of the Mission and for the successful accomplishment of the mission of its staff;

REALIZING that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of the Mission as representing the OIC;

AFFIRMING that the rules of customary International Law should continue to govern questions not expressly regulated by the provisions of this Agreement;

HAVE AGREED as follows:

CHAPTER I

**PERSONALITY, PRIVILEGES AND IMMUNITIES
OF THE PERMANENT OBSERVER MISSION
OF THE ORGANISATION OF THE ISLAMIC CONFERENCE**

Article 1

The Mission shall have legal personality and capacity.

Article 2

The Mission, as well as the properties and assets of the OIC used for the exercising of the official functions of the Mission, shall enjoy legal immunity except where expressly renounced by the Mission. A separate waiver shall be necessary for each measure of enforcement.

Article 3

1. The properties and assets of the OIC used for the exercising of the official functions of the Mission may not be subject to any form of requisition, confiscation or sequestration nor to any other form of seizure or constraint, even for the purpose of national defence or public use.
2. Should any form of expropriation be necessary, all appropriate action will be taken to prevent the exercising of the functions of the Mission being impeded in any way. In this case Belgium will give its assistance to enable relocation of the Mission.

Article 4

The archives of the Mission and, in a general way, all documents of the Mission or those held by it or by one of its members shall be inviolable.

Article 5

1. The premises used exclusively for the exercising of the official functions of the Mission are inviolable. Permission by the representative of the Mission shall be required for access to its premises.
2. This permission, however, shall be assumed to be given in case of emergencies requiring prompt protective action.

3. Belgium shall take all appropriate measures to prevent invasion or damage to the Mission premises, to prevent the peace of the Mission being disturbed or its dignity being diminished in any way.

Article 6

1. Without prejudice to the international provisions and to the relevant provisions of the European Community, the Mission may hold in Belgium currency of any kind and operate accounts in all currencies insofar as necessary for the execution of operations corresponding to its aim.
2. Belgium undertakes to grant the Mission all authorisations necessary to freely transfer, according to the modalities provided for in the applicable national regulations and international agreements, funds necessary for the setting up and operation of the Mission.

Article 7

1. The Mission, its properties, its incomes and other goods destined for its official use shall be exempt from all direct taxes.
2. No exemption from direct taxes shall be granted for incomes of the Mission, which originate from an industrial or commercial activity exercised by the Mission or by one of its members for the Mission.

Article 8

1. When the Mission makes substantial purchases of movable or immovable goods or has substantial services performed that are strictly necessary for the exercising of its official activities and where the price includes indirect taxes or VAT, appropriate measures shall be taken whenever possible with a view to the remission or reimbursement of the amount of these taxes.
2. No exemption from indirect taxes shall be granted for purchases made by the Mission, which are destined to the exercise of an industrial or commercial activity by the Mission or by one of its members for the Mission.

Article 9

The Mission shall be exempt of all indirect taxes regarding goods imported, acquired or exported by it or in its name for its official use.

Article 10

Without prejudice to the obligations arising for Belgium from the treaties concerning the European Union and the application of legal and regulatory provisions regarding public order, security, health or morals, the Mission may import all goods and publications destined for its official use.

Article 11

The Mission shall be exempt from all indirect taxes regarding the official publications that it receives or sends abroad.

Article 12

The goods belonging to the Mission and acquired in exemption of taxes cannot be disposed of in Belgium except under conditions provided by its laws and regulations.

Article 13

The Mission shall not be exempt from taxes and duties that are, in fact, no more than charges for public utility services.

Article 14

Freedom of communication for its official purposes shall be guaranteed to the Mission. Its official correspondence shall be inviolable.

Article 15

Without prejudice to the obligations arising for Belgium from the treaties concerning the European Union and the application of laws and regulations, the conditions and procedures for the application of Articles 7, 8, 9, 10, 11 and 12 shall be determined by the competent Minister in Belgium for these fiscal matters.

CHAPTER II

LEGAL POSITION OF STAFF MEMBERS

Article 16

1. While participating in the work of the OIC Mission in Belgium, the representatives of the OIC General Secretariat and the States Parties to the Charter of the Organization of the Islamic Conference, their advisers and technical experts, as well as the officials of the OIC residing outside Belgium, shall, while exercising their functions and during their journeys to and from the place of the meeting enjoy the following privileges and immunities:
 - a) immunity from personal arrest or detention;
 - b) immunity from legal process of any kind in respect of words spoken or written and all acts done by them, in their official capacity; such immunity shall continue to be accorded, notwithstanding that the persons concerned may no longer be engaged in the performance of such functions;
 - c) inviolability for all papers, documents and official material used for the work they are performing for the OIC;
 - d) the right to use codes and to dispatch or receive papers, correspondence or official material by courier or in sealed bags for the communication with the OIC;
 - e) exemption in respect of themselves, their legal spouse and their dependent minor children, from immigration restrictions, alien registration or national service obligations while they are visiting or passing through Belgium in the exercise of their functions;
 - f) the same facilities with respect to currency or exchange restrictions as are accorded to the representatives of foreign governments on temporary official missions;
 - g) the same immunities and facilities in respect of their personal baggage as are accorded to Officials of foreign States on temporary official missions.
2. The privileges and immunities are accorded to the persons designated in paragraph 1 of this article in order to safeguard the independent exercise of their functions in connection with the OIC and not for the personal benefit of the individuals themselves. It is the duty of all persons enjoying such privileges and immunities to observe in all other respects the Belgian laws and regulations.
3. The provisions of paragraphs 1 of this article are not applicable in relation to a person who is a Belgian national or a permanent resident in Belgium.

Article 17

The Head of the Mission and his/her assistant shall enjoy the immunities, privileges and facilities granted to the members of the diplomatic personnel of diplomatic missions. Their spouse not exercising lucrative activity and their dependent minor children, living under the same roof, shall enjoy the privileges granted to the spouses and to the minor children of the diplomatic personnel.

Article 18

1. All officials and other servants of the Mission, including the Officials mentioned in article 17 of this Agreement, shall enjoy:
 - a) exemption from all taxes on salaries, emoluments and indemnities paid to them by the OIC, from the date on which their incomes are subject to taxation for the benefit of the OIC, subject to recognition by Belgium of this internal taxation system; Belgium reserves for itself the right to take into account the said salaries, emoluments and indemnities for calculating the amount of tax to be levied on the taxable income originating from other sources;
 - b) the facilities accorded to officials of international organisations in respect of currency or exchange regulations.
2. All officials and other servants of the Mission shall enjoy:
 - a) legal immunity for acts performed in their official capacity, including words written or spoken; such immunity shall apply even after they have left the service;
 - b) inviolability of all official papers and documents.
3. All officials and other servants of the Mission, as well as their legal spouse and their dependent minor children, living under the same roof, shall enjoy exemption from measures restricting immigration and from aliens' registration formalities. This exemption shall be given in accordance with Belgian legislation on the matter.
4. The Mission shall notify the Protocol Service of the Federal Public Service Foreign Affairs of the arrival and final departure of its officials and other servants and shall also provide the following specific information about all its officials and other servants:
 - a) surname and first name
 - b) place and date of birth
 - c) sex
 - d) nationality
 - e) permanent residence (town, street, number)
 - f) civil status
 - g) composition of the family
 - h) the social security scheme chosen by the staff member.

The Protocol Service of the Federal Public Service Foreign Affairs shall be notified, within two weeks, of any changes to the above-mentioned data.

Article 19

1. The provisions of article 18.1 a) shall not apply to pensions and annuities paid by the OIC to its former officials and servants in Belgium or to their successors nor to salaries, emoluments and indemnities paid by the OIC or by the Mission to its servants engaged for a period of less than one year or who do not occupy a permanent position at the OIC considering the mission and the statutory regulations of that Organization.

2. The conditions and procedures for the application of article 18 1 a) shall be determined by the Minister of Finance of the Belgian federal government.

Article 20

1. Without prejudice to the obligations arising for Belgium from the treaties concerning the European Union and to the application of laws and regulations, the officials and other servants of the Mission, except the persons referred to in Articles 16 and 17, shall enjoy the right, during a period of twelve months following their first taking up their duties in Belgium, to import or purchase, in exemption of import duties and value added tax (VAT), furniture and a motor vehicle for their personal use in Belgium.
2. The Minister of Finance of Belgian federal government shall determine the limits and conditions under which this Article applies.

Article 21

Belgium shall not be bound to extend to its own nationals or to permanent residents the advantages, privileges and immunities granted under this Agreement, except for those provided for in Article 18.1 a) of this Agreement.

Article 22

For the exercising of their official functions within the Mission, the officials and other servants of the Mission shall not be subject to Belgian legislation on employment of foreign workers and on the exercising of professional self-employed activities by foreigners.

Article 23

The Mission shall issue, before the 1st of March of each year, to all beneficiaries a form specifying, besides their names and addresses, the amount of the salaries, emoluments and indemnities, pensions or annuities paid to them by the OIC or by the Mission during the course of the previous year.

Regarding salaries, emoluments and indemnities liable to taxation for the profit of the OIC, this form shall also mention the amount of this tax.

Besides, the Mission shall send before the same date a duplicate of this form directly to the competent Belgian Fiscal Administration.

Article 24

1. The officials and other servants of the Mission who are not Belgian nationals or who have their principal residence in Belgium and are not exercising in Belgium any other gainful activity except that required by their functions, can choose to be covered by the social security schemes applicable to the officials and other servants of the OIC under the rules provided for by those schemes. This right of option can be exercised once by the official or the servant within two weeks of his/ her taking up his/her duties, and must be notified, within the same delay, in accordance with Article 18.4.
2. The Mission will ensure coverage by the Belgian social security system of its officials and servants who are Belgian or have their principal residence in Belgium as well as of its officials and other servants who have not opted for coverage by the social security schemes provided by OIC itself.
3. The OIC undertakes to guarantee its officials and other servants posted in Belgium who are covered by its own social security schemes, as well as their legal spouse and their dependent minor children, living under the same roof, referred to in Article 18.3, advantages equivalent to those provided by the Belgian social security system.
4. Belgium can obtain from the Mission or from the OIC the repayment of costs incurred for any aid having a social character it may have to provide to officials and other servants posted to the Mission who are covered by the social security schemes applicable to officials and other servants of the OIC .This provision is applicable by analogy to the legal spouse and the dependent minor children, living under the same roof, referred to in Article 18.3, of the officials and other servants of the Mission.

CHAPTER III

GENERAL PROVISIONS

Article 25

The privileges and immunities are granted to the officials and other servants of the Mission only in the interest of the OIC and not for their personal advantage. The Secretary General of the OIC shall have the right and duty to waive all immunity whenever the immunity would impede the course of justice and such waiver does not prejudice the proper functioning of the Mission.

Article 26

Without prejudice to the rights conferred upon the Mission and its officials and other servants by this Agreement, Belgium reserves the right to take all necessary precautions in the interest of its security.

Article 27

1. The persons referred to in articles 17 and 18 shall not enjoy any legal immunity regarding motor traffic offences or damages caused by a motor vehicle.
2. The Mission and its officials and other servants shall comply with all obligations imposed by Belgian legislation concerning civil liability insurance for the use of any motor vehicle.

Article 28

The Mission and all its officials and other servants shall co-operate at all times with the appropriate Belgian authorities to facilitate the proper administration of justice, to ensure observation of police regulations and to prevent the occurrence of any abuse in connection with the immunities and privileges provided for in this Agreement.

Article 29

The OIC, the Mission and all their officials and other servants shall comply with Belgian laws and regulations and with judgements rendered against them.

Article 30

Belgium shall have no international responsibility whatsoever for the activities of the Mission on its territory as regards the acts or omissions of the Mission or of its officials and other servants acting or failing to act in the exercise of their functions.

Article 31

1. Any difference of views regarding the application or interpretation of this Agreement, which cannot be resolved through direct negotiations between the Parties, may be submitted, by one of the Parties, to an arbitral tribunal composed of three members.
2. The Parties shall each appoint one arbitrator.
3. The third arbitrator shall be appointed by both Parties upon consultation.
4. The third arbitrator shall be the President of the arbitral tribunal.

5. In case of disagreement on the choice of the third arbitrator, the third arbitrator shall be appointed by the President of the International Court of Justice at the request of the Parties.
6. The dispute shall be brought to the arbitral tribunal upon application of either Party.
7. The arbitral tribunal shall determine its own procedure.

CHAPTER IV

Final Provisions

Article 32

The OIC shall notify to the Protocol Service of the Federal Public Service Foreign Affairs any substantial modification of the Charter of the OIC and any substantial modification in the activity of the Mission in Belgium

Article 33

Both Parties shall notify each other of the completion of the internal constitutional and legal procedures required for the entry into force of this Agreement.

The Agreement shall enter into force on the first day of the second month following the date of exchange of the last notification.

This Agreement can be revised at the request of one of the Parties.

IN WITNESS WHEREOF, the Representatives of the Kingdom of Belgium and of the Organisation of the Islamic Conference have signed this Agreement.

DONE in Brussels on the 4th day of February 2011, in duplicate, in the English, French and Dutch languages, the three texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

FOR THE KINGDOM OF BELGIUM:



**Johan VAN DESSEL,
Minister Plenipotentiary**

*"This signature engages also
the French Community, the Flemish Community,
the German-speaking Community,
the Walloon Region, the Flemish Region
and the Brussels-Capital Region"*

**FOR THE ORGANISATION
OF THE ISLAMIC CONFERENCE:**



**Mojtaba AMIRI VAHID,
Representative of the O.I.C.**