

Unofficial translation

Agreement

between

the Geneva International Centre for Humanitarian Demining

and

the Swiss Federal Council

relating to the status of the Centre in Switzerland

The Geneva International Centre for Humanitarian Demining,
on the one hand,

and

the Swiss Federal Council
on the other,

desiring to contribute to ending the suffering and the loss of human life caused by anti-personnel mines and other remnants of war,

convinced of the need to promote the development of international humanitarian law and its effective implementation,

determined to strengthen international cooperation in the domain of humanitarian demining,

referring to the Agreement signed 7th November 2001 between the States Parties to the Convention of 18 September 1997 on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines (hereinafter referred to as the Convention on the prohibition of anti-personnel mines) and the Geneva International Centre for Humanitarian Demining (hereinafter referred to as the Centre), which establishes the international legal treaty relations between the two Parties,

aware of the potential for development of these relations,

underlining the fact that the Centre assumes, under the mandate of the States Parties to the said Convention, the duties which are consigned to it by the latter,

have agreed on the following provisions:

Article 1

Object of the Agreement

1. The object of the present Agreement is to enable the Centre to exercise the international duties consigned to it by the States Parties to the Convention on the prohibition of anti-personnel mines, in accordance with the aforementioned Agreement of 7th November 2001 or, should the need arise, under other international mandates.
2. The present Agreement does not prevent the Federal Department of Home Affairs from carrying out its responsibilities as the department for the supervision of foundations, with respect to the aims of the Centre.

Article 2

Freedom of action

1. The Swiss Federal Council guarantees the independence and the freedom of action of the Centre.
2. It recognises the absolute freedom of the Centre to hold meetings, including freedom of discussion, decision and publication within the territory of Switzerland.

Article 3

Legal capacity

The Swiss Federal Council recognises the legal capacity of the Centre in Switzerland.

Article 4

Free disposal of funds

The Centre may receive, hold, convert and transfer funds of any kind, currency, species and other securities, and may dispose of them freely both within Switzerland and in its relations with other countries.

Article 5

Inviolability of archives

The archives and documents of the Centre, as well as data media belonging to it or in its possession, shall be inviolable at all times, irrespective of their location.

Article 6

Fiscal position

The Centre shall be exempted by the Swiss Federal Council from direct federal taxation in conformity with article 56, letter g, of the federal law of 14 December 1990 on direct federal taxation.

Article 7

Immunities

1. The President and the members of the Council of Foundation, as well as the Director and the staff of the Centre, of any nationality, shall enjoy, for the exercising of the duties mentioned in Article 1,

a) immunity from legal process for their acts, including words spoken and written, even after the termination of their functions ;

b) inviolability of all papers and documents.

2. The Director of the Centre must waive the immunity of a staff member in any case where he considers that such immunity would impede the course of justice and could be waived without prejudice to the interests of the Centre. The Council of Foundation shall do the same, in the same circumstances, for the President and the members of the Council of Foundation, as well as for the Director of the Centre.

3. The immunities provided for in the present Agreement are not designed to confer any personal benefits on those concerned. They are established to ensure the free functioning of the Centre.

Article 8

Staff not of Swiss nationality

1. The Centre shall be exempted by the Swiss Federal Council from application of the law limiting the number of foreign nationals (Ordinance of 6th October 1986 limiting the number of foreign nationals, OLE).

2. The Swiss Federal Council will ensure that, in case of loss of employment, staff of the Centre not of Swiss nationality shall benefit from a time-limited tolerance in order to regularize their status in conformity with the law then in force.

Article 9

Military service of Swiss staff

1. Staff of the Centre of Swiss nationality remains subject to military obligations in Switzerland in conformity with the provisions of Swiss law in force.
2. A limited number of leaves of absence from military service (leave for foreign countries) may be granted to Swiss staff of the Centre holding executive positions within the Centre.
3. For staff of Swiss nationality who do not fall into the category defined in paragraph 2 above, requests for rescheduling of compulsory training service, providing all due reasons and counter-signed by the person concerned, may be submitted.
4. The Centre shall submit requests for leaves of absence for foreign countries and for rescheduling of compulsory training service to the Federal Department of Foreign Affairs, for transmission to the Federal Department of Defence, Civilian Protection and Sport.

Article 10

Entry, stay and departure

The Swiss authorities shall take all necessary measures to facilitate the entry into, stay in, and departure from Swiss territory of members of the Council of Foundation of the Centre and, as far as possible, of all persons, irrespective of their nationality, serving the Centre in an official capacity.

Article 11

Prevention of abuses

The Centre and the Swiss authorities shall cooperate at all times to facilitate the proper administration of justice, secure the observance of police regulations and prevent any abuse in connection with the immunities, exemptions and facilities provided for in the present Agreement.

Article 12

Execution of the Agreement by Switzerland

The Federal Department of Foreign Affairs shall coordinate the execution of this Agreement within the federal administration.

Article 13

Settlement of Disputes

Any dispute between the Parties to the present Agreement concerning its interpretation or application shall be settled by negotiations between the Parties.

Article 14

Revision of the Agreement

1. The present Agreement may be revised at the request of either Party.
2. In this event, the two Parties shall consult each other concerning the amendments to be made to the provisions of the present Agreement.

Article 15

Denunciation

The present Agreement may be denounced by either Party giving one year's notice in writing at the end of a calendar year.

Article 16

Entry into force

The present Agreement shall enter into force on the date of its signature.

Done at Bern, on 25 February 2003, in two copies, in French.

For the Geneva International Centre for Humanitarian Demining

Cornelio Sommaruga
President of the Council of Foundation

For the Swiss Federal Council

Micheline Calmy-Rey
Federal Councillor