HEADQUARTERS AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC)

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ARTICLE 1

STATUS OF THE DELEGATION

1. The ICRC and its Delegation shall enjoy juridical personality in the territory of the Philippines and shall enjoy a status equivalent to that accorded to missions of international and intergovernmental organizations.

2. The ICRC and its Delegation shall enjoy the privileges and immunities accorded to it by this Agreement.

3. The ICRC Delegation and its property shall be immune from legal or administrative jurisdiction, except insofar as in any particular case the ICRC Delegation has waived this immunity.

4. The offices of the ICRC Delegation, the warehouses and other premises, and the vehicles of the ICRC Delegation as well as its records, documents, correspondence, property, assets and funds shall be inviolable. Except with the consent of the ICRC, they shall be immune from search, requisition, confiscation, expropriation, and any other form of interference, whether by executive, administrative, judicial or legislative action.

ARTICLE 2

PROPERTY AND FUNDS

1. The ICRC Delegation shall be exempt from all regional, municipal, provincial or national dues and taxes. The ICRC Delegation shall not, however, claim exemption from fees which are levied for public utility services.

2. The ICRC Delegation shall be exempt from taxes and customs duties and free from all restrictions and prohibitions in respect of the import and export of all items necessary for its activities, subject to the provisions of pertinent Philippine laws, rules and regulations. It is understood that the duty on such items will become payable in the event of the sale or disposal, within three years of importation, to a person not entitled to this exemption.

3. The ICRC Delegation may freely hold funds and accounts in any currency and transfer them from place to place within the Philippines and between the Philippines and any other State, subject to the provisions of pertinent Philippine laws, rules and regulations.

4. The ICRC Delegation may change its funds into any currency without limit, subject to the provisions of pertinent Philippine laws, rules and regulations.

5. The ICRC Delegation shall be exempted from all taxes and customs duties in respect of the importation of a motor vehicle for the official use of the Delegation. The importation of additional motor vehicles shall be subject to prior consultation and approval of the Government. All of the Delegation's motor vehicles may not

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be resold without the prior approval of the Government. However, the motor vehicles may be re-exported subject to existing laws and regulations of the Philippine Government.

ARTICLE 3

RELIEF SUPPLIES

1. The ICRC Delegation shall be exempt from taxes and customs duties and free of all restrictions or prohibitions in respect of import, export and trans-shipment of relief supplies for ICRC assistance programmes or for delivery to the local Red Cross or to other humanitarian institutions.

2. The ICRC Delegation shall conform to the national legislative provisions concerning hygiene, safety and commercial practice in the matter of relief supplies.

3. The ICRC Delegation shall not sell within the country the goods imported duty free, except with the Government's approval and under conditions stipulated by the Government.

4. The ICRC Delegation, upon prior coordination with the Government, may avail itself of vacant warehouses in order to store goods to be distributed during relief action, provided such goods are identified as belonging to the Red Cross, with the relevant supporting documents.

ARTICLE 4

COMMUNICATIONS

1. The ICRC Delegation shall, for its official communications, enjoy treatment not less favourable than that accorded to any foreign mission in respect of priorities, rates and taxes on mail, cables, telegrams, radiograms, telephone and other communications and rates for information messages to press and radio.

2. No censorship shall be applied to the official correspondence and communications of the ICRC Delegation. This immunity shall also apply to official ICRC publications, photographic or cinematographic film, photographs and audiovisual recordings dispatched to or from the ICRC and to material for exhibitions organized by it.

3. The ICRC may, whenever a need of using such means should occur, transmit uncoded messages by radio between the Geneva Headquarters and the Delegation in the Philippines or between the Delegation in the Philippines and a Delegation or Delegations situated in other countries or between the Delegation in the Philippines and its field units operating within the national territory, provided that no classified matter should be transmitted in these uncoded messages.

4. For all such communications, the frequencies assigned to the ICRC for this purpose by the International Telecommunication Union shall be used. To this end, the ICRC Delegation shall be able to install the required radio equipment in the Delegation premises and make use of mobile equipment within the national territory after securing from the National Telecommunications Commission the necessary licensing documentation.

5. Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions in respect of communications as may be agreed upon between the Government and the ICRC.

ARTICLE 5

ICRC DELEGATES AND ALIEN EMPLOYEES

1. The ICRC Delegation shall notify the Ministry of Foreign Affairs of the date of arrival, date of departure or date of termination of function of all ICRC Delegates and alien employees.

2. ICRC Delegates, who by definition are Swiss nationals, and alien employees, their spouses and dependent

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members of their families shall enjoy a status similar to that accorded to members and employees of missions of international and intergovernmental organizations and shall enjoy the privileges and immunities provided in the present Agreement.

3. The ICRC Delegates and alien employees shall:

(a) be immune from the jurisdiction of the judicial or administrative authorities of the Philippines in respect to acts performed in the exercise of their official functions;

(b) not be obliged to give evidence as witness in matters relating to their official functions;

(c) be exempt from taxation in respect of the salaries and emoluments paid to them by the ICRC;

(d) be immune, together with their spouses and dependent members of their families, from immigration restrictions and alien registration requirements, and national service obligations;

(e) be accorded the same privileges in respect of exchange facilities as are accorded to members of missions of international and intergovernmental organizations;

(f) be given, together with their spouses and dependent members of their families, the same repatriation facilities as those granted to members of missions of international and intergovernmental organizations;

(g) have the right to import free of duty their property, furniture, effects and household equipment within six months of taking up their post in the Philippines;

(h) have the right to export free of duty their property, furniture, effects and household equipment when leaving the Philippines.

4. It is understood that these privileges and immunities shall not be enjoyed by Filipino nationals working for the ICRC except for paragraphs 3(a) and (b).

5. The provisions of Article 1, paragraph 4 shall also apply to the ICRC Delegates' and alien employees' residences

6. The privileges and immunities listed in this Article are granted to the ICRC to facilitate the carrying out of its humanitarian mission and not to individuals. They are therefore, granted to the ICRC for its Delegates and alien employees in the interest of their work and function.

7. The privileges and immunities listed in this Article may be withdrawn by the Government of the Philippines, if in the view of the ICRC, there has been abuse or they have not been used in a manner consistent with their purpose.

ARTICLE 6

SETTLEMENT OF DISPUTES

Any dispute between the Government and the ICRC concerning the interpretation or application of this Agreement shall be settled amicably

ARTICLE 7

FINAL PROVISIONS

1. The ICRC shall cooperate at all times with the appropriate authorities of the Government of the Philippines to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurence of any abuses in connection with the privileges, immunities and facilities accorded to the ICRC.

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2. The ICRC offices shall not be used in any manner incompatible with the exercise of its official functions.

3. This Agreement shall enter into force on the date of its approval by the Philippine Government. It may be terminated at any time by either party by giving six months' notice.

IN WITNESS WHEREOF, the respective representatives, duly authorized thereto, have signed this Agreement.

DONE in duplicate, in the English language, at Manila this 30th day of April 1985.

For the Government of the Republic of the Philippines For the International Committee of the Red Cross

(Sgd.) (Sgd.)

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