



**AGREEMENT**

**BETWEEN**

**BOSNIA AND HERZEGOVINA**

**AND**

**THE OFFICE OF THE SPECIAL COORDINATOR OF THE  
STABILITY PACT FOR SOUTH EASTERN EUROPE**

**ON SPAI RSLO HEADQUARTERS**

Taking into account that the Stability Pact Anti-Corruption Initiative (SPAI) was adopted in Sarajevo in February 2000 with the task to fight corruption in the region by building upon existing acts through better coordination of all efforts and by relying on high – level political commitment;

Whereas the SPAI Steering Group, composed of high - level representatives, nominated by the Heads of Government of the South Eastern European countries (Albania, Croatia, Bosnia and Herzegovina, FY Republic of Macedonia, Moldova, Romania, Serbia and Montenegro), agreed to establish the Regional Secretariat Liaison Office of the SPAI in Sarajevo at its September 2002 meeting in Rome, reconfirmed it at the SPAI SG meeting in Brussels in April 2003 and endorsed it at the Stability Pact Working Table III and Regional Table meetings in Cavtat, Croatia in May 2003;

Whereas the seat of the Headquarters of Regional Secretariat Liaison Office of the SPAI, hereinafter referred to as SPAI RSLO, is established in Sarajevo, Bosnia and Herzegovina;

Bearing in mind the importance of ensuring the proper functioning of the SPAI RSLO in Bosnia and Herzegovina,

Reaffirming the willingness of Bosnia and Herzegovina to provide the privileges, immunities and facilities for the SPAI RSLO Headquarters, in order to fulfill and implement its responsibilities and tasks,

Considering it necessary to conclude a formal agreement in order to determine and recognize the legal status of the SPAI RSLO and its staff in Bosnia and Herzegovina , and to provide for the efficient operation thereof,

Bosnia and Herzegovina and the Office of the Special Coordinator of the Stability Pact for South Eastern Europe, hereby AGREE as follows:

## **ARTICLE 1 LEGAL PERSONALITY**

1. The SPAI RSLO enjoys in Bosnia and Herzegovina full legal personality. In particular, it shall have the capacity:
  - (a) to contract;
  - (b) to acquire and dispose of movable property;
  - (c) to acquire and dispose of immovable property in accordance with the Bosnia and Herzegovina legislation;
  - (d) to institute and act in legal proceedings.

## **ARTICLE 2 PRIVILEGES AND IMMUNITIES OF SPAI RSLO**

The SPAI RSLO shall enjoy in Bosnia and Herzegovina the same legal status with all privileges and immunities as the status granted to diplomatic and consular missions by Vienna Convention on Diplomatic Relations of April 18, 1961 in particular:

- a) inviolability of the SPAI RSLO premises
- b) inviolability of the SPAI RSLO archives
- c) immunity of search, requisition, attachment or execution of the SPAI RSLO premises, their furnishing, other property and means of transport
- d) exemption from all dues and taxes, specially dues and taxes on goods and finances donated to SPAI RSLO
- e) freedom of communication for all official purposes

including all exemptions to those privileges and immunities in accordance with provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961.

### **ARTICLE 3 FREEDOM OF ASSEMBLY**

1. Bosnia and Herzegovina recognizes the right of the SPAI RSLO to convene meetings, trainings and other activities at its discretion within SPAI RSLO or, with the concurrence of the appropriate authorities of Bosnia and Herzegovina, elsewhere in Bosnia and Herzegovina.
2. Bosnia and Herzegovina guarantees to the SPAI RSLO full freedom of assembly, of expression and of decision. Bosnia and Herzegovina shall take all appropriate steps to guarantee that no impediment is placed in the way of conducting the proceedings of any activities convened by the SPAI RSLO.

### **ARTICLE 4 PREMISES OF SPAI RSLO**

The Bosnia and Herzegovina ensures, without payment:

- a) the permanent, appropriate working premises for the SPAI RSLO
- b) the additional working premises for temporary use ( meetings, presentations & etc.)
- c) the use of the parking spaces ensured within the area of the SPAI RSLO;
- d) the security of the SPAI RSLO
- e) maintenance and modernization of the SPAI RSLO premises
- f) utilities (heat, air conditioning, electricity and water)

### **ARTICLE 5 MEMBERS OF SPAI RSLO**

1. The SPAI RSLO members will consist of:

- a) Executive Secretary
- b) Anticorruption Expert
- c) Administrative Assistant

In accordance with the scale of SPAI RSLO activities, the number of SPAI RSLO members can be expanded.

2. The Executive Secretary shall communicate the names of other members of the SPAI RSLO, in accordance with paragraph 1 of this Article to the Ministry of Foreign Affairs of Bosnia and Herzegovina as soon as they take up their position.

## **ARTICLE 6**

### **PRIVILEGES AND IMMUNITIES OF THE MEMBERS OF SPAI RSLO**

3. The members of the SPAI RSLO shall enjoy the privileges and immunities granted to the diplomatic agents by virtue of the Vienna Convention on Diplomatic Relations of April 18, 1961, in particular:

- a) personal inviolability of a member of SPAI RSLO
- b) inviolability of the private residence, correspondence and property of a member of SPAI RSLO
- c) exemption from all dues and taxes
- d) exemption from all personal and public services
- e) exemption, in accordance with Bosnia and Herzegovina laws, from all customs, duties, taxes and related charges on articles for the personal use of a member of SPAI RSLO, including articles intended for his establishment
- f) exemption from inspection of the personal baggage of a member of SPAI RSLO
- g) repatriation facilities enabling them, if they so wish, to leave at earliest possible moment in time of international or internal crisis;

including all exemptions to those privileges and immunities in accordance with provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961.

4. Paragraph 1. of this Article shall not apply to nationals of Bosnia and Herzegovina or to persons that are permanently resident in that country.

5. As these privileges and immunities are accorded not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercises of SPAI RSLO mission, the Executive Secretary of SPAI RSLO shall be under a duty to waive the immunities and privileges of any of the members of SPAI RSLO, in any case where, in his/her opinion, they would impede the course of justice and can be waived without prejudice to the interests of the SPAI RSLO.

6. The SPAI RSLO shall take all measures to secure that all the persons enjoying such privileges and immunities respect the laws and regulations of Bosnia and Herzegovina.

## **ARTICLE 7**

### **IMPLEMENTATION OF AGREEMENT**

The Ministry of Foreign Affairs of Bosnia and Herzegovina shall be designated as the primary institution for the implementation of this Agreement, including the cooperation with other relevant institutional bodies from Bosnia and Herzegovina, as needed for the accomplishment of the objectives of SPAI RSLO.

**ARTICLE 8  
SETTLEMENT OF DISPUTES**

Any dispute between the Contracting Parties, concerning the interpretation or application of this Agreement, or any question affecting the SPAI RSLO or the relationship between the SPAI RSLO and the Host country, shall be settled by consultation between the Contracting Parties or by any other agreed mode.

**ARTICLE 9  
AMENDMENTS**

This Agreement may be amended by mutual consent of the Parties through diplomatic channels.

**ARTICLE 10  
ENTRY INTO FORCE AND TERMINATION**

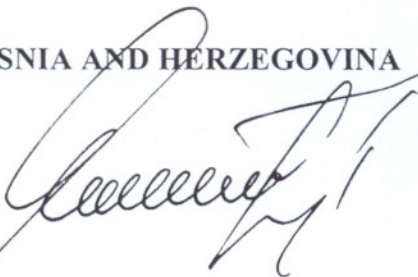
1. This Agreement shall enter into force on the day following the date of the receipt by the SPAI RSLO of the notification of the Host country informing on the completion of the internal legal requirements necessary for its entry into force.
2. This Agreement shall cease to be in force by written mutual consent of the Contracting Parties.

**ARTICLE 11  
PROVISIONAL APPLICATION**

In order to ensure the immediate full operational capacity and financial needs of the SPAI RSLO, the Contracting Parties agree to the provisional application of this Agreement upon signature, pending its entry into force in accordance with Article 10.

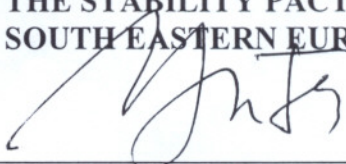
Done in \_\_\_\_\_, on 15/09 2003 in two copies on English language.

**FOR BOSNIA AND HERZEGOVINA**



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**FOR THE OFFICE OF  
THE SPECIAL COORDINATOR OF  
THE STABILITY PACT FOR  
SOUTH EASTERN EUROPE**



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