

AGREEMENT

BETWEEN

THE PORTUGUESE REPUBLIC

AND

**THE KING ABDULLAH BIN ABDULAZIZ INTERNATIONAL CENTRE FOR
INTERRELIGIOUS AND INTERCULTURAL DIALOGUE**

REGARDING

**THE SEAT OF THE KING ABDULLAH BIN ABDULAZIZ INTERNATIONAL
CENTRE FOR INTERRELIGIOUS AND INTERCULTURAL DIALOGUE IN
PORTUGAL**

The Portuguese Republic and the King Abdullah bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue, hereinafter referred to as the “Parties”;

Having regard to the desire of both the Portuguese Republic and the Centre that the Seat of the Centre be located in Lisbon, Portugal;

Having regard to the Agreement for the Establishment of the King Abdullah bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue, done at Vienna, on 13 October 2011;

Desiring to establish the status, privileges and immunities of the Centre, and of persons connected with it, in the Portuguese Republic necessary to enable the Centre to carry out its functions;

Agree further on the following:

CHAPTER I
INTRODUCTION

Article 1
Definitions

For the purpose of this Agreement:

- (a) “Agreement Establishing the Centre” means the Agreement for the Establishment of the King Abdullah bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue of 13 October 2011, entered into force on 21 October 2012, and any amendments thereto;
- (b) “Centre” means King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue (KAICIID);
- (c) “Portuguese authorities” means such authorities in the Portuguese Republic as may be appropriate in the context, in accordance with the laws and procedures applicable in the Portuguese Republic;
- (d) “Staff Members of the Centre” means all permanent staff members of the Secretariat appointed under a letter of appointment as well as all persons seconded by a Government or an international organization to the Centre, excluding personnel locally recruited who are assigned to hourly rates;
- (e) “Official Activities” means any activities necessary for carrying out the objectives and purposes of the Centre as set forth in the Agreement Establishing the Centre;
- (f) “Persons in Official Functions” means those persons carrying out official functions in relation to the Centre who are not Staff Members, namely the representatives of the Council of Parties, the members of the Board of Directors and the members of the Advisory Forum; as well as representatives of Governments and international organizations co-operating with the Centre, visiting representatives of major

religions and faith-based and cultural institutions and experts, including visiting lecturers, who are invited by the Centre;

- (g) “Official documents, data and other material” means such documents, data, data carriers, including servers, and other items used by the Centre for carrying out the Official Activities of the Centre;
- (h) “Seat” comprises the land and premises, including installations and offices, that the Centre occupies for its Official Activities in accordance with Article 2.

Article 2

Seat

The location and area of the Seat of the Centre shall be defined by the Government of the Portuguese Republic and the Centre, by mutual understanding.

Article 3

Legal capacity and status

The Portuguese Republic recognizes the legal capacity of the Centre as an International Organisation within Portugal, in particular its capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute and respond to legal proceedings; and
- (d) to take such other action as may be necessary or useful for its Official Activities.

CHAPTER II
IMMUNITIES AND PRIVILEGES OF THE CENTRE IN PORTUGAL

Article 4

Inviolability of the Seat and archives

1. The Seat shall be inviolable.
2. Except as otherwise provided in this Agreement and subject to the power of the Centre as an International Organization to make regulations, the laws and regulations of the Portuguese Republic shall apply within the seat.
3. Portuguese authorities shall not be allowed to enter the premises of the Centre without prior consent from the Secretary-General of the Centre and under the terms established by him/her, except in case of force majeure threatening human life or endangering public safety and thus requiring immediate intervention.
4. The archives of the Centre, including any documents, data, and data carriers including servers, belonging to or held by the Centre, shall be inviolable wherever located and by whomsoever held.
5. Instruments issued by Portuguese authorities may be served at the Seat.
6. The Portuguese authorities and the Centre shall take steps to protect the Seat and shall closely co-operate regarding the effective security within and in the immediate vicinity outside the Seat of the Centre.
7. The Centre shall not allow its Seat to be used as a refuge for individuals avoiding being imprisoned, detained or served in a judicial action or against whom an extradition or deportation order has been issued by the competent authorities.
8. The Seat shall only be used for the fulfilment of the objectives and Official Activities of the Centre, as foreseen in the Agreement Establishing the Centre.

Article 5

Immunity from Jurisdiction and Execution

1. Within the scope of its official activities, the Centre shall benefit from jurisdictional immunity and immunity from execution, except when the Secretary-General of the Centre expressly waives those immunities.
2. The assets, property and goods of official use of the Centre in Portugal shall be exempt from search, seizure, requisition, confiscation, expropriation or any other form of interference, whether by executive, administrative, judicial or legislative action.
3. In the event of a request to waive immunity in a judicial proceeding instituted by a third party, the Secretary-General of the Centre shall make a declaration either waiving or asserting the immunity within fifteen days after the delivery of the request.

Article 6

Facilities regarding communications

The Centre shall enjoy in the territory of the Portuguese Republic, for its official communications and correspondence, treatment not less favourable than that accorded by the Portuguese Republic to any international organization regarding priorities, rates and taxes applicable to mail and to the various forms of communication and correspondence.

Article 7

Flags and emblems

The Centre shall have the right to use the flags and emblems of the Centre for its Official Activities, including at its Seat and on any of its vehicles, in the territory of the Portuguese Republic.

Article 8

Tax exemptions

1. The property and income resulting from the official activities of the Centre shall be exempt from all direct taxes, including corporate income tax, capital tax and capital gains tax, conveyance tax, road tax (*Imposto Único de Circulação*, IUC) and local tax on real estate.
2. The Portuguese Republic will account, whenever possible, adequate administrative provisions to exempt and reimburse the value of procurements that include indirect taxes and sales taxes within the price of movable and immovable property, acquired for the official activities by the Centre.

Article 9

Import and export exemptions

The Centre shall be exempt from import and export duties and from any taxes, prohibitions and restrictions on goods of whatsoever nature imported or exported by it, as the result of its official activities, in accordance with the law applicable in the Portuguese Republic.

Article 10

Alienation to third parties

1. The goods acquired in accordance with Article 8 or imported in accordance with Article 9 of this Agreement cannot be donated, sold, or rented or otherwise disposed of within five years of their acquisition.
2. If the period specified in the previous paragraph is not respected, the competent authorities will be notified and any necessary taxes or import duties shall be paid.

Article 11

Funds, foreign currency and assets

Without being restricted by controls, regulations or moratoria of any kind, the Centre may:

- (a) Hold funds, currency or movable valuables of any kind and operate accounts in any currency;
- (b) Transfer freely its funds, currency or movable valuables from one country to another or within any country and convert any currency held by it into any other currency.

CHAPTER III

IMMUNITIES AND PRIVILEGES OF PERSONS IN OFFICIAL FUNCTIONS AND STAFF MEMBERS

Article 12

Persons in Official Functions

1. Persons in Official Functions shall, while exercising official functions, enjoy the following privileges and immunities:

- (a) Immunity from every form of legal process, including after the termination of their mission, in respect of spoken or written statements, and from all acts performed by them directly related with their official functions;
- (b) Inviolability of all official documents, data and other related material, regardless of their form and the right to receive or send official papers, electronic data or correspondence by courier or secure electronic data transfer without interference;
- (c) Immunity from seizure of their personal and official baggage, in the case of representatives of the Parties to the Agreement Establishing the Centre as well as the members of the Board of Directors and the Advisory Forum; and

(d) The Portuguese Republic shall make all efforts to issue visas, when required, as speedily as possible.

2. The Centre shall inform the Portuguese Republic of the names of the persons pertaining to the category of Persons in Official Functions before their entry into Portuguese territory.

3. The Portuguese Republic shall be entitled to request reasonable evidence to establish that persons claiming the rights granted by this Article pertain to the category of Persons in Official Functions, and to require that Persons in Official Functions comply with quarantine and health regulations on their entry to, or exit from, Portuguese territory.

4. Portuguese nationals and foreign citizens who are permanent residents in Portugal shall enjoy only the privileges and immunities specified in subparagraphs a), b) and c) regarding official baggage of paragraph 1 of this Article.

5. The provisions of this Article shall not affect any other immunity or privilege to which a person to whom this Article applies may otherwise be entitled under international law.

Article 13

Staff Members

1. Staff Members shall be entitled to the following privileges and immunities:

(a) Immunity from every form of legal process, including after the termination of their functions, in respect of spoken or written statements, and from all acts performed by them directly related with their official functions;

(b) Inviolability of all official documents, data and other related material, regardless of their form, and the right to receive or send official papers, electronic data or correspondence by courier or secure electronic data transfer without interference;

(c) Immunity from seizure of their personal and official baggage;

- (d) Exemption from immigration restrictions and from registration formalities for themselves and their spouses, partners, as well as to other dependants such as ascendants or descendants in direct line and first degree, including adoptive children in the same circumstances;
- (e) The same facilities in respect to currency exchange as those given to members of the diplomatic missions in Portugal;
- (f) Exemption from taxes on income and complementary remuneration to be paid by the Centre; however, the Portuguese Republic shall take into consideration the value of all such remuneration to estimate the taxation applied to income coming from other sources;
- (g) At the commencement of their functions in Portugal, Staff Members shall be exempt from importation duties, VAT and special consumer taxes, except for costs incurred with the payment of services, relating to the importation of furniture and other personal goods they own or shall acquire within six months of changing their residence to Portugal; the imported goods that are exempt from importation duties cannot be sold or otherwise alienated within one year after importation;
- (h) Access for their spouses, partners, as well as for other dependants such as ascendants or descendants in direct line and first degree, including adoptive children in the same circumstances to the labour market in accordance with the Portuguese law; privileges and immunities under this Agreement shall not apply with regard to such occupations.

2. The regularisation of the status of the Staff Members as foreign nationals, as well their spouses or partners, dependent ascendants or descendants in direct line and first degree, as well as adoptive children in the same circumstances, is subject to the same regime applied to the members of diplomatic missions.

3. Portuguese nationals and foreign citizens who are permanent residents in Portugal shall enjoy only the privileges and immunities specified in subparagraphs a), b), c) regarding official baggage and f) of paragraph 1 of this Article.

Article 14

Secretary-General of the Centre

In addition to the privileges and immunities specified in Article 13 of this Agreement, Secretary-General of the Centre as well as, during his/her absence from duty, the Deputy-Secretary-General, shall be accorded the privileges and immunities, exemptions and facilities accorded to heads of diplomatic missions, provided they are not Portuguese nationals or permanent residents in Portugal.

Article 15

Purpose of privileges and immunities

1. Privileges and immunities provided by this Agreement to Persons in Official Functions and Staff Members are accorded not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their activities in connection with the work of the Centre.

2. The Secretary-General shall have the right and the duty to waive those privileges and immunities accorded to any person pertaining to the category of Persons in Official Functions or Staff Member in any case where they would impede the proper administration of justice and can be waived without prejudice to the purpose for which they are accorded.

3. The Council of Parties shall have the right and the duty to waive those privileges and immunities accorded to the Secretary-General in any case where they would impede the proper administration of justice and can be waived without prejudice to the purpose for which they are accorded.

Article 16

Respect for Portuguese Republic legislation

Without prejudice to their privileges and immunities under the present Agreement, it is the duty of all persons enjoying such privileges and immunities to respect applicable legislation of the Portuguese Republic and not to interfere in its internal affairs.

Article 17

Notification of appointments and identity cards

1. The Centre shall inform the Portuguese Republic of the beginning and cessation of the activities of representatives of the Parties to the Agreement Establishing the Centre, members of the Board of Directors, members of the Advisory Forum, Staff Members and experts, indicating whether they have Portuguese nationality or if they are foreign citizens with permanent residence in Portugal.
2. The Portuguese Republic shall issue an identity card for all Staff Members with photograph identifying them as Staff Members of the Centre.
3. The Centre shall return the identity cards once their owners have ceased the performance of their official functions or their mission with the Centre.

Article 18

Co-operation between the Centre and the Portuguese Republic

1. The Centre shall cooperate at all times with the competent authorities of the Portuguese Republic to facilitate the application of Portuguese legislation, to facilitate the proper administration of justice, to ensure the enforcement of the police regulations and to prevent the occurrence of any abuse in connection with the privileges and immunities referred to in this Agreement.

2. The present Agreement does not prejudice the right of the Portuguese Republic to take all the measures consistent with international law to guarantee order and public security, having in mind the privileges and immunities referred to in this Agreement.

CHAPTER IV SETTLEMENT OF DISPUTES

Article 19

Settlement of disputes with third parties

Disputes arising from contracts and other disputes of private law character to which the Centre and a Portuguese person or entity are party shall be submitted to arbitration under the Portuguese legislation, except if the contract provides for submission to other jurisdiction, namely the Portuguese courts.

Article 20

Submission to international arbitration

When requested by the Portuguese Republic or at the initiative of the Centre, the Centre shall submit to international arbitration all disputes that:

- (a) Result from damages caused by the Centre;
- (b) Involve any other non-contractual liability of the Centre;
- (c) Involve the Secretary-General, a staff member, or a person falling in the category of persons in official functions, in which the person concerned can claim immunity from jurisdiction under the present Agreement, if such immunity has not been waived.

Article 21

Settlement of disputes between the Portuguese Republic and the Centre

1. Any dispute between the Portuguese Republic and the Centre concerning the interpretation or application of this Agreement shall be settled, so far as possible, through consultation, negotiation or other agreed form of settlement.
2. If the dispute cannot be settled within six months of the commencement of consultation or negotiation, then it shall be submitted, at the request of either Party, for decision by an ad hoc arbitral tribunal.
3. The arbitral tribunal shall be constituted of three arbitrators appointed in the following manner:
 - (a) Each Party shall appoint an arbitrator within two months of the receipt of the written request for arbitration;
 - (b) Together and within two months, the two arbitrators appointed shall appoint a national of a third State with whom both Parties have diplomatic relations as president of the arbitral tribunal.
4. If the arbitral tribunal is not constituted within four months of the receipt of the written request for arbitration, either Party may request the President of the International Court of Justice to make the necessary appointments.
5. If the President of the International Court of Justice is a Portuguese national or is prevented from making the appointments for any other reason, the next member in the hierarchy of the International Court of Justice who is not a Portuguese national or who is not prevented shall be requested to make the appointments.
6. The arbitral tribunal shall determine its own rules of procedure and shall render its decisions in accordance with the provisions of the present Agreement and International Law.

7. The decision of the arbitral tribunal, which shall be binding and final on both Parties, shall be taken by majority vote.

8. In the event of dispute as to the meaning or scope of a decision, the arbitral tribunal shall construe it upon the request of any Party.

9. Each Party shall bear the cost for its arbitrator and its representation before the arbitral tribunal, with the costs of the president and any tribunal costs being shared equally between the Parties.

CHAPTER V FINAL PROVISIONS

Article 22 Entry into force

This Agreement shall enter into force thirty days upon the date of receipt of the last notification, in writing and through diplomatic channels, conveying the completion of the internal procedures of each Party required for that purpose.

Article 23 Amendments

1. This Agreement may be amended by request of one the Parties, in writing and through diplomatic channels.

2. The amendments shall enter into force in accordance with the terms specified in Article 22 of this Agreement.

Article 24 Duration and Termination

1. This Agreement shall remain in force for an unlimited period of time.

2. Either Party may, at any time, terminate the present Agreement upon giving a prior notification in writing and through diplomatic channels.

3. This Agreement shall terminate six months after the receipt of such notification.

4. This Agreement shall cease to be in force in the event of termination of the Agreement for the Establishment of the Centre, in the event that, after its entry into force for the Portuguese Republic, the Portuguese Republic ceases to be a Party to that Agreement, or in the event that the Seat of the Centre is relocated to outside Portuguese territory.

Article 25

Registration

After the entry into force of this Agreement, the Portuguese Republic shall transmit it for registration with the Secretariat of the United Nations, according to Article 102 of the Charter of the United Nations, and shall notify the Centre of the conclusion of this proceeding, indicating the respective number of registration.

In witness thereof, the undersigned being duly authorised thereto, have signed the present Agreement.

Done in Lisbon, on 29 October 2021, in two originals, in the Portuguese and English languages, both texts being equally authentic.

For the Portuguese Republic

For King Abdullah Bin Abdulaziz
International Centre for Interreligious
and Intercultural Dialogue (KAICIID)

Augusto Santos Silva

Minister of State for Foreign Affairs

Faisal A. bin Muaammar

Secretary General