

No. 9632

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION**

**Agreement regarding the Headquarters of the Organization.
Signed at London on 28 November 1968**

Authentic text: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 16 June 1969.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
ORGANISATION INTERGOUVERNEMENTALE
CONSULTATIVE DE LA NAVIGATION MARITIME**

**Accord relatif au Siège de l'Organisation. Signé à Londres le
28 novembre 1968**

Texte authentique: anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 16 juin 1969.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION REGARDING THE HEADQUARTERS OF THE ORGANIZATION

The Government of the United Kingdom of Great Britain and Northern Ireland and the Inter-Governmental Maritime Consultative Organization:

Considering that the United Kingdom undertook on 4 November, 1959 to apply to the Organization the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations,² including its Annex XII;³

Considering that the Assembly of the Organization by its Resolution A.56 (III), adopted on 23 October, 1963, has envisaged the conclusion of a supplemental agreement or agreements based on accepted principles established in similar agreements concerning the United Nations, the Specialized Agencies and the International Atomic Energy Agency, to ensure that the Organization's legal status in the United Kingdom should be defined and the content of certain privileges, concessions and courtesies as well as the measures for their implementation should be formulated in detail;

Have agreed as follows:

PART I

DEFINITIONS AND INTERPRETATION

Article 1

In this Agreement:

¹ Came into force on 28 November 1968 by signature, in accordance with article 18 (1).

² United Nations, *Treaty Series*, vol. 33, p. 261. For the final and revised texts of annexes published subsequently, see vol. 71, p. 318; vol. 79, p. 326; vol. 117, p. 386; vol. 275, p. 298; vol. 314, p. 308; vol. 323, p. 364; vol. 327, p. 326; vol. 371, p. 266, vol. 423, p. 284; vol. 559, p. 348, and vol. 645, p. 340.

³ *Ibid.*, vol. 327, p. 326, and vol. 645, p. 340.

(a) “the IMCO Convention” means the Convention on the Inter-Governmental Maritime Consultative Organization opened for signature at Geneva on 6 March, 1948;¹

(b) “the Convention” means the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations adopted by the General Assembly of the United Nations on 21 November, 1947, including its Annex XII; the text of which was received by the Secretary-General of the United Nations on 12 February, 1959, and any subsequent revision of that Annex approved by the Organization and acceded to by the United Kingdom;

(c) “Organization” means the Inter-Governmental Maritime Consultative Organization;

(d) “Government” means the Government of the United Kingdom of Great Britain and Northern Ireland;

(e) “Secretary-General” means the Secretary-General of the Organization and, during his absence from duty, the Deputy Secretary-General and, in the absence of both, any other official specially designated to act on his behalf;

(f) “appropriate authorities” means the national, regional or local authorities of the United Kingdom, as the context may require, in accordance with the laws, regulations and customs of the United Kingdom;

(g) “law of the United Kingdom” includes Acts of Parliament, Orders in Council and all subordinate legislation;

(h) “emoluments” means all sums in respect of employment by the Organization paid to, vested in or accruing to an official’s benefit in any form whatsoever;

(i) “Headquarters of the Organization” means the headquarters referred to in Article 44 (a) of the IMCO Convention;

(j) “premises of the Organization” means land, buildings and parts of buildings normally occupied by the Organization for the fulfilment of its official functions;

(k) “Member” means a Member of the Organization as defined in the IMCO Convention;

(l) “representatives of Members” means heads of delegations of Members, participating in meetings convened by the Organization;

¹ United Nations, *Treaty Series*, vol. 289, p. 3.

(*m*) “ members of delegations ” means representatives, alternates, advisers, technical experts and secretaries of delegations, participating in meetings convened by the Organization;

(*n*) “ meetings convened by the Organization ” means sessions of the Assembly, Council, and Maritime Safety Committee, and conferences or other gatherings convened by the Organization including those of any committee, sub-committee, group of experts or other subordinate body established by any of these bodies;

(*o*) “ officials ” means the Secretary-General, and persons in the categories specified under Article VI, Section 18, of the Convention, with the exception of those recruited locally and assigned to hourly rates;

(*p*) “ senior officials ” means all officials designated by the Secretary-General as possessing a rank equivalent to that of a diplomatic agent and recognised as such by the Government.

Article 2

(1) This Agreement shall be interpreted in the light of its primary objective of enabling the Organization at its Headquarters in the United Kingdom fully and efficiently to discharge its responsibilities and fulfil its purposes and functions.

(2) To the extent that they deal with the same subject matter, this Agreement and the Convention or any treaty conferring immunities and privileges upon the Organization shall be complementary, but in cases of adjustment of the provisions of the Convention or the grant of privileges and immunities not previously accorded, the present Agreement shall be interpreted in the light of the Parties' intention to supplement the Convention in accordance with its Article X, Section 39.

PART II

PREMISES OF THE ORGANIZATION

Article 3

(1) For the purpose of Article III of the Convention, but not as a condition of its application, the location of the premises and the archives of the Organization shall be made known to the appropriate authorities by the Secretary-

General who shall also inform the appropriate authorities of any change in the location or extent of such premises or archives and of any temporary occupation of premises for the fulfilment of its official functions. Where premises are temporarily used or occupied by the Organization for the fulfilment of its official functions, these premises shall, with the agreement of the appropriate authorities, be accorded the status of premises of the Organization.

(2) The Government undertake to assist the Organization in the acquisition of premises by gift, purchase or lease or the hire of premises at such time as they may be needed.

(3) The inviolability conferred by Article III, Section 6, of the Convention extends to all archives, correspondence, documents, manuscripts, photographs, films and recordings belonging to or held by the Organization and to all information contained therein.

(4) The immunity conferred by Article III, Section 5, of the Convention extends to the means of transport of the Organization. Means of transport which the Organization hires or borrows shall be immune from search, requisition, confiscation or expropriation. The Organization shall identify as such means of transport being used for official purposes.

(5) The Government shall do their utmost to ensure that the premises shall be supplied with necessary public services, including electricity, water, sewerage, gas, post, telephone, telegraph, drainage, collection of refuse and fire protection and that such public services shall be supplied on reasonable terms. In case of any interruption or threatened interruption to any such services, the Government shall consider the needs of the Organization as being of equal importance with those of diplomatic missions and shall accordingly take all reasonable steps to ensure that the Organization is not prejudiced.

(6) Any preferential rates or tariffs which may be granted to diplomatic missions in the United Kingdom for supplies of the services mentioned in paragraph (5) of this Article shall, subject to paragraph (2) of Article 8 of this Agreement, also be accorded to the Organization.

Article 4

The Organization shall be entitled to display its flag and emblem, or the flag and emblem of the United Nations, on the premises and means of transport of the Organization and of the Secretary-General.

Article 5

The Government are under a special duty to take all appropriate steps to protect the premises of the Organization against any intrusion or damage and to prevent any disturbance of the peace of the Organization or impairment of its dignity.

Article 6

(1) The premises of the Organization shall be under the control and authority of the Organization which may establish any regulations necessary for the execution of its functions therein.

(2) Except as otherwise provided in this Agreement, or in the Convention, the law of the United Kingdom shall apply within the premises of the Organization, provided that the Organization may establish any regulations necessary for the execution of its functions including rules of international administrative law and the terms of contracts of employment governed by that law. These regulations shall be operative within the premises of the Organization, and no law of the United Kingdom which is inconsistent shall be enforceable within those premises. Any dispute between the Organization and the Government as to whether a regulation of the former is authorised by this paragraph or as to whether a law of the United Kingdom is inconsistent with any regulation authorised by this paragraph shall be promptly settled as provided in Article 17 of this Agreement.

(3) No official of the Government or person exercising any public authority, whether administrative, judicial, military or police, shall enter the premises of the Organization except with the express consent of and under conditions approved by the Secretary-General. No service or execution of any legal process whatsoever, irrespective of whether the Organization is named as defendant, or any ancillary act such as the seizure of private property, shall take place within the premises of the Organization except with the express consent of and under conditions approved by the Secretary-General.

(4) Without prejudice to the terms of this Agreement, the Organization shall not permit the premises of the Organization to become a refuge from justice for persons who are avoiding arrest or service of legal process under the law of the United Kingdom or against whom an order of extradition or deportation has been issued by the appropriate authorities.

(5) Nothing in this Agreement shall prevent the reasonable application by the appropriate authorities of measures for the protection of the premises of the Organization against fire.

PART III

ACCESS AND COMMUNICATIONS

Article 7

(1) The appropriate authorities shall impose no impediment to the transit to and from the premises of the Organization of persons having official business at those premises.

(2) The Government undertake to authorise the entry into the United Kingdom without delay and without charge for visas of the following persons for the term of their business with the Organization:

- (a) representatives of Members;
- (b) members of delegations;
- (c) officials designated by Members to represent them in accordance with Article 36 of the IMCO Convention;

- (d) officials as defined in Article 1 (o) of this Agreement;

- (e) officials of the United Nations and its organs, the Specialized Agencies and the International Atomic Energy Agency;

- (f) experts referred to in Annex XII to the Convention;
- (g) members of the families of the above-mentioned persons forming part of their respective households; and
- (h) persons invited to the Headquarters of the Organization at the direction of the Assembly or the Council.

(3) The provisions of the preceding paragraphs shall be applicable irrespective of the relations existing between the Governments of the persons referred to and the Government of the United Kingdom and are without prejudice to any special immunities to which such persons may be entitled. They shall not prevent the requirement of reasonable evidence to establish that persons claiming the aforementioned rights come within the classes described,

nor the reasonable application of international quarantine and public health regulations.

(4) The Secretary-General shall as far as possible inform the Government in advance of their arrival in the United Kingdom of the names of persons within the categories set out in paragraph (2) of this Article to assist the Government to implement the provisions of this Article and of Article 14 as well as of Article V of the Convention.

Article 8

(1) The Government shall permit and protect unrestricted communication on the part of the Organization for all official purposes. The Organization may employ all appropriate means of communication, including couriers and messages in code or cypher. However, the Organization may install and use a wireless transmitter only with the consent of the appropriate authorities. Subject to these qualifications the Organization may employ the United Nations telecommunications network in accordance with limitations prescribed by the International Telecommunication Convention.¹

(2) The Organization is recognised to enjoy the treatment provided in Article IV, Section 11, of the Convention in respect of its official communications to the extent that such treatment is compatible with any other international conventions, regulations and arrangements to which the Government are a party.

(3) Sealed bags containing documents or articles intended for official use and bearing external marks of their character shall in particular be accorded the immunity of Article III of the Convention and shall not be detained.

(4) A courier shall be provided with an official document indicating his status and the number of packages constituting the sealed bag. The appropriate authorities shall assist him in the performance of his functions, in which he shall enjoy personal inviolability and shall not be liable to any form of arrest and detention.

(5) A sealed bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorised port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier. The Organization may send an official who shall be considered to be a courier to take possession of the bag directly from the captain of the aircraft.

¹ United Kingdom, *Treaty Series*, No. 74 (1961), Cmnd. 1484.

PART IV
FINANCIAL

Article 9

(1) Without prejudice to the exemptions accorded by Article III, Sections 9 and 10, of the Convention and without any limitation of these exemptions, the Organization shall be exempt from:

- (a) income tax and surtax;
- (b) capital gains tax;
- (c) corporation tax;
- (d) selective employment tax;
- (e) purchase tax on articles for the official use of the Organization;

- (f) municipal rates levied on the premises of the Organization except the proportion which, as in the case of diplomatic missions, represents payment for specific services rendered;
- (g) customs duty on hydrocarbon oils for the official use of the Organization; and
- (h) excise duty on spirits of United Kingdom origin purchased in the United Kingdom for the purpose of official entertainment.

(2) The exemption conferred by Article III, Section 9 (b), of the Convention extends to customs duties and any taxes or charges imposed upon or by reason of importation and the procedures in connexion therewith excepting charges for storage, cartage and similar services; the certification by the Organization that any import or export is for its official use shall be accepted as conclusive.

(3) The exemptions provided for in paragraph (1) (e) of this Article and in Article III, Section 10, of the Convention shall be accorded by way of a refund of the tax element in the price paid by the Organization for purchases for its official use. In this connexion, the purchases envisaged are those made on a recurring basis or involving considerable quantities of goods, commodities or materials, or those involving considerable expenditure such as the furnishing of the premises of the Organization or the principal residences of the Secretary-General or the Deputy Secretary-General or the Secretary of the Maritime Safety Committee. The municipal rates referred to in paragraph (1) (f) of this Article shall in the first instance be paid by the appropriate authorities and the proportion which represents payment for specific services rendered shall be recovered by them from the Organization.

(4) The exemption provided for in paragraph (1) (*h*) of this Article shall be accorded to the extent that such exemption is accorded to diplomatic missions and by way of a refund of the duty element included in the price of the spirits. A certificate by the Secretary-General that any purchase is for the purpose of official entertainment shall be accepted as conclusive.

(5) In the event of the introduction of taxes other than those referred to in this Article, the Government and the Organization shall determine the applicability of the Convention to such taxes.

Article 10

(1) The Secretary-General, the Deputy Secretary-General and the Secretary of the Maritime Safety Committee shall be exempt from income tax and surtax on their emoluments as defined in Article 1 (*h*) of this Agreement. The Secretary-General, the Deputy Secretary-General and the Secretary of the Maritime Safety Committee and members of their families forming part of their respective households, provided that, without prejudice to Annex XII of the Convention as accepted by the United Kingdom, they are not citizens of the United Kingdom and Colonies nor permanently resident in the United Kingdom, shall be exempt from:

- (a) tax on income arising outside the United Kingdom;
- (b) capital gains tax other than that imposed on immovable property (not occupied by them as a principal residence) in the United Kingdom or investments in commercial undertakings in the United Kingdom;
- (c) that proportion of municipal rates levied on property occupied by them as a principal residence which does not represent payment for specific services rendered;
- (d) purchase tax on motor cars of United Kingdom manufacture;
- (e) any tax, fee or duty in respect of dogs and game;
- (f) customs duty in respect of hydrocarbon oils.

The Secretary-General, provided that he is not a citizen of the United Kingdom and Colonies, nor permanently resident in the United Kingdom, shall be exempt from purchase tax to the extent that such exemption is accorded to the head of a diplomatic mission on fine quality goods of United Kingdom manufacture purchased on a substantial scale for the furnishing of his principal residence.

(2) All senior officials shall be exempt from income tax and surtax on their emoluments. Provided that they are not citizens of the United Kingdom and Colonies and are not permanently resident in the United Kingdom, senior officials shall be exempt from the taxes listed in sub-paragraphs (a) to (f) of paragraph (1) of this Article.

(3) All officials shall be exempt from income tax and surtax on their emoluments. Provided that they are not citizens of the United Kingdom and Colonies and are not permanently resident in the United Kingdom, officials shall be exempt from the taxes listed in sub-paragraphs (d) (provided the car is ordered within a reasonable period of first entry of the official) and (e) of paragraph (1) of this Article.

(4) The municipal rates referred to in paragraph (1) (c) of this Article shall in the first instance be paid by the appropriate authorities and the proportion which represents payment for specific services rendered shall be recovered by them through the channels of the Organization. The exemption provided for in paragraph (1) (d) of this Article shall be accorded to the extent and by procedures applicable to diplomatic agents.

Article 11

(1) Officials shall, with respect to services rendered for the Organization, if they are not citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, be exempt from the provisions of any social security scheme established by the law of the United Kingdom.

(2) The exemptions provided for in this Article shall not preclude voluntary participation in any social security scheme in the United Kingdom, provided that such participation is permitted by the law.

Article 12

(1) Provided that they are not citizens of the United Kingdom and Colonies nor permanently resident in the United Kingdom, the Secretary-General, the Deputy Secretary-General and the Secretary of the Maritime Safety Committee shall be exempt from all customs duties, purchase tax and similar charges or levies (excepting charges for storage, cartage and similar services) imposed upon or by reason of the importation of articles (including motor cars) for their

personal use or the use of members of their families forming part of their households or for their establishment.

(2) Provided that they are neither citizens of the United Kingdom and Colonies nor permanently resident in the United Kingdom, senior officials shall be accorded the exemption described in paragraph (1) of this Article.

(3) Officials and members of their families forming part of their respective households shall be exempt from all customs duties, purchase tax and similar charges or levies (excepting charges for storage, cartage and similar services) imposed upon or by reason of the importation of articles (including one motor car each) in their ownership or possession or already ordered by them and intended for their personal use or for their establishment at the time of first taking up their post in the United Kingdom. Such articles shall normally be imported within a reasonable period of first entry of such persons into the United Kingdom. Officials (other than citizens of the United Kingdom and Colonies or permanent residents of the United Kingdom) who are entitled to import a motor car under this concession but do not do so shall be given relief from purchase tax on a motor car of United Kingdom manufacture (to the extent that such relief is given to members of the administrative and technical staff of diplomatic missions) provided the car is ordered within a reasonable period of first entry of the official. Relief from purchase tax and customs duties on the purchase or import of a replacement car will be allowed in cases where the appropriate authorities are satisfied that this is justified by the condition of the car being replaced.

Article 13

(1) In implementation of the financial provisions of Article III, Section 7, of the Convention, the Organization shall be treated as non-resident for the purposes of the Exchange Control Act 1947, and may accordingly hold its funds in the form of gold or in any currency and in any country. Any of the gold or currency or bank balances held in the United Kingdom may be freely transferred within the United Kingdom or to any other country. The Organization shall not require exchange control consent to use its funds for the purposes of investment either in the United Kingdom or elsewhere, and may also borrow funds freely from countries outside the Scheduled Territories (Sterling Area).

(2) In accordance with Article V, Section 13 (e), of the Convention a representative of a Member of the Organization shall be entitled to the treatment in matters of exchange control which is accorded to a diplomatic agent in the United Kingdom of the State which he represents. Where diplomatic relations with such a State do not exist or have been broken off, the treatment shall be no less than that accorded to a diplomatic agent of any third State inside or outside the Scheduled Territories, as appropriate.

(3) In accordance with Article VI, Section 19 (d), of the Convention, an official of the Organization shall be permitted by the appropriate authorities to receive and hold his official emoluments in an account denominated in any currency and shall in addition be accorded the treatment in matters of exchange control which is accorded to a diplomatic agent in the United Kingdom of the State in which he was resident for exchange control purposes when appointed an official. Where diplomatic relations with such a State do not exist or have been broken off, the treatment shall be no less than that accorded to a diplomatic agent of any third State inside or outside the Scheduled Territories, as appropriate.

(4) The Government shall not levy estate duty, or capital gains tax (on a deemed disposal of property by the deceased on the occasion of death), on or in respect of movable property of senior officials and members of their families forming part of their households, provided that in either case they were not citizens of the United Kingdom and Colonies or permanent residents of the United Kingdom at the time of death and provided that the presence of the property in the United Kingdom was due solely to the presence of the deceased as a senior official of the Organization or as a member of the family of a senior official. The Government shall impose no impediment to the repatriation of the movable property of a deceased senior official or member of his family with the exception of property whose export was prohibited at the time of death.

PART V

IDENTIFICATION

Article 14

(1) Any official of the Organization who presents a valid United Nations laissez-passer issued in accordance with Article VIII, Section 26, of the Convention and identifying him as an official of the Organization shall, subject to

paragraph (3) of Article 7 of this Agreement, be immune from United Kingdom immigration restrictions and requirements and from alien registration. Members of the family forming part of the official's household who travel with him and present satisfactory evidence of identity shall be similarly treated. No such official shall require a visa for entry into the United Kingdom.

(2) Officials who do not present a United Nations laissez-passer shall not be exempt from the laws and regulations of the Government regarding passports and visas. They shall however, subject to paragraph (3) of Article 7 of this Agreement, be immune from immigration restrictions and requirements and from alien registration provided that:

- (a) they produce a valid travel document, or
- (b) they produce evidence of their official capacity issued either by their government or by the Organization, or the appropriate authorities are notified of their arrival.

(3) The persons described in paragraph (2) of Article 7 of this Agreement shall, subject to paragraph (3) of that Article, be immune from immigration restrictions and requirements and from alien registration provided that:

- (a) they produce a valid travel document, and
- (b) they produce evidence of their official capacity issued either by their government or by the Organization, or the appropriate authorities are notified of their arrival.

Article 15

(1) The Secretary-General shall from time to time send to the Government a list of all officials, indicating in each case the appropriate staff category as defined in Article 1 of this Agreement and whether the individual is a citizen of the United Kingdom and Colonies or permanently resident in the United Kingdom. The Secretary-General may inform the Government of the appointment of officials individually for addition to the list.

(2) The Government shall issue to all officials on notification of their appointment, a card bearing the photograph of the holder and identifying him as an official. This card shall be accepted by the appropriate authorities as evidence of identity and appointment.

PART VI

GENERAL PROVISIONS

Article 16

At the request either of the Government or of the Organization consultations shall take place respecting the implementation, modification or extension of this Agreement. Any understanding, modification or extension may be given effect by an Exchange of Notes between a duly authorised representative of the Government and the Secretary-General.

Article 17

Any dispute between the Government and the Organization concerning the interpretation or application of this Agreement or any question affecting the relations between the Government and the Organization which is not settled by negotiation or by some other agreed method shall be referred for final decision to a panel of three arbitrators. One of these arbitrators shall be chosen by Her Majesty's Secretary of State, one shall be chosen by the Secretary-General and the third, who shall be the Chairman of the Tribunal, shall be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third within one year of their own appointment, the third arbitrator, at the request of the Government or of the Organization shall be chosen by the President of the International Court of Justice.

Article 18

(1) This Agreement shall enter into force on signature.

(2) This Agreement may be terminated by agreement between the Government and the Organization. In the event of the Headquarters of the Organization being moved from the territory of the United Kingdom by a decision of the Assembly in accordance with Article 44 (b) of the IMCO Convention, this Agreement shall, after the period reasonably required for such transfer and for the disposal of the property of the Organization in the United Kingdom, cease to be in force.

IN WITNESS WHEREOF the respective representatives have signed this Agreement.

DONE in duplicate at London this 28th day of November, 1968.

For the Government of the United Kingdom of Great Britain
and Northern Ireland:

Fred MULLEY

For the Inter-Governmental Maritime Consultative Organization:

Colin GOAD
