

No. 9413

**DENMARK
and
INTERNATIONAL COUNCIL
FOR THE EXPLORATION OF THE SEA**

**Agreement on the privileges, immunities and facilities to
be granted to the International Council for the
Exploration of the Sea. Signed at Copenhagen on
24 July 1968**

Authentic text : English.

Registered by Denmark on 19 February 1969.

**DANEMARK
et
CONSEIL INTERNATIONAL
POUR L'EXPLORATION DE LA MER**

**Accord sur les privilèges, immunités et facilités devant
être accordés au Conseil international pour
l'exploration de la mer. Signé à Copenhague le
24 juillet 1968**

Texte authentique : anglais.

Enregistré par le Danemark le 19 février 1969.

AGREEMENT¹ BETWEEN THE INTERNATIONAL COUNCIL
FOR THE EXPLORATION OF THE SEA AND THE
GOVERNMENT OF DENMARK

The Government of Denmark of the one part, and The International Council for the Exploration of the Sea of the other,

Desiring to conclude an Agreement for the purpose of determining the privileges, immunities and facilities to be granted by the Government of Denmark to the International Council for the Exploration of the Sea, to the representatives of its Members and to its experts and officials, and of regulating other related matters, have agreed as follows :

Article I

DEFINITIONS

In the present Agreement :

(i) The International Council for the Exploration of the Sea will be called "the Organization" ;

(ii) For the purposes of Article IV, the words "property and assets", "funds, notes, coins, securities, gold or currency", or "assets, income and other property" shall be deemed to include property, assets, and funds administered by the Organization under its Constitution and/or in furtherance of its constitutional functions ;

(iii) The words "representatives of Members" shall be deemed to include all delegates to the Council of the Organization and their substitutes ; delegates in their capacity of members of the Bureau of the Organization ; all advisers, technical experts who are members of delegations, and secretaries of delegations ; as well as all experts and advisers appointed by Members of the Organization to assist in the work of the Organization.

(iv) The words "principal or subsidiary organs" shall be deemed to include the Council of the Organization, its Bureau, Committees, General Secretary and Secretariat ;

¹ Came into force on 24 July 1968 by the exchange of notes between the authorized representatives of the Government of Denmark and the Organization stating respectively that it had been approved by the Government of Denmark and adopted by the Council of the Organization, in accordance with article XII (1).

(v) For the purposes of Article III, Section 2, Article IV, Section 2, and Article VI, Section 2 and 3 the words "meeting" or "meeting of the organization" shall be deemed to include all meetings of the principal or subsidiary organs of the Organization as well as all conferences or meetings convened by, or under the authority or auspices of, the Organization in Denmark.

Article II

JURIDICAL PERSONALITY

The Organization shall possess in Denmark juridical personality and legal capacity and, in particular, capacity (a) to contract, (b) to acquire and dispose of movable and immovable property, and (c) to institute legal proceedings.

Article III

FREEDOM OF ACTION

Section 1. The Organization and its principal or subsidiary organs shall have in Denmark the independence and freedom of action belonging to an international organization.

Section 2. The Organization, its principal or subsidiary organs, as well as its Members and the representatives of Members in their relations with the Organization, shall enjoy in Denmark absolute freedom of meeting including freedom of discussion and decision.

Article IV

PROPERTY, FUNDS AND ASSETS

Section 1. The Organization and its property and assets located in Denmark shall enjoy immunity from every form of legal process except : (a) in so far as in any particular case this immunity is expressly waived by the Bureau of the Organization or the General Secretary as its duly authorized representative, it thereby being understood, however, that no waiver of immunity shall extend to any measure of execution ; (b) in the case of a civil action by a third party for damages arising from an accident caused by a motor vehicle belonging to, or operated on behalf of the Organization or in the case of a motor traffic offence involving such a vehicle.

Section 2. (1) The premises of the Organization in Denmark or any premises in Denmark occupied by the Organization in connexion with a meeting of the Organization shall be inviolable.

(2) Such premises and the property and assets of the Organization in Denmark shall be immune from search, requisition, confiscation, expro-

priation, and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 3. The archives of the Organization, and in general all documents belonging to it or held by it in Denmark shall be inviolable.

Section 4. (1) Without being restricted by financial controls, regulations or moratoria of any kind : (a) the Organization may receive and hold funds, notes, coins, gold, currency and securities of any kind and operate accounts in any currency ; (b) the Organization shall be free to transfer its funds, notes, coins, gold, currency or securities to or from Denmark or within Denmark and to convert any currency held by it into any other currency.

(2) This section shall also apply to Members of the Organization in their relations with the Organization.

Section 5. The Government of Denmark shall provide for the Organization, at the most favourable rate officially recognized, its national currency to the amount required to meet the expenditure of the Organization in Denmark or other member countries.

Section 6. In exercising its rights under Sections 4 and 5, the Organization shall pay due regard to any representations made by the Government of Denmark in so far as the Organization considers that effect can be given to such representations without detriment to its interests.

Section 7. The Organization, its assets, income and other property, shall be : (a) exempt from all direct and indirect taxes. It is understood, however, that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services ; (b) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of goods or articles imported or exported by the Organization for official use. It is understood, however, that goods or articles, imported under such exemption will not be sold in Denmark except under conditions agreed with the Government of Denmark ; (c) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of their publications.

Section 8. While the Organization will not as a general rule, in the case of minor purchases, claim exemption from excise duties, and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless, when the Organization is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the Government of Denmark shall, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article V

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 1. The Organization shall enjoy in Denmark for its official communications treatment not less favourable than that accorded by the Government of Denmark to any other government including its diplomatic missions, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communication, and Press rates for information to the Press and radio on the condition that such treatment is not incompatible with the terms of the International Telecommunications Convention.¹

Section 2. (1) No censorship shall be applied to the official correspondence and other official communications of the Organization.

(2) The Organization shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.

Article VI

REPRESENTATIVES OF MEMBERS

Section 1. Representatives of Members on principal or subsidiary organs and at conferences or meetings convened by or under the authorization or auspices of the Organization, shall, while exercising their functions and during their journeys to and from the place of meetings, enjoy the following privileges and immunities : (a) immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind ; (b) inviolability for all papers and documents ; (c) the right to use codes and to despatch or receive papers or correspondence by courier or sealed bags ; (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration formalities or national service obligations in Denmark ; (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions ; (f) the same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions of comparable rank.

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

Section 2. In order to secure for the representatives of Members of the Organization complete freedom of speech at the Organization's meetings, and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in the discharge of their duties shall continue to be accorded notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 3. If the incidence of any form of taxation depends upon residence in Denmark, periods during which the representatives of Members of the Organization are present at a meeting of the Organization in Denmark for the discharge of their duties shall not be considered as periods of residence.

Section 4. Privileges and immunities are accorded to the representatives of Members of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Organization. Consequently, a Member not only has the right, but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded. In any such case in which one of the persons designated to serve on it is concerned, the Bureau of the Organization shall be under the same duty.

Article VII

EXPERTS ON MISSIONS FOR THE ORGANIZATION

Section 1. Experts and consultants other than those who under Article I (iii) or as officials come within the scope of Article VI or VIII respectively and who perform missions for the Organization shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connexion with their missions. In particular, they shall be accorded : (a) immunity from personal arrest or detention and from seizure of their personal baggage and in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of any kind, except in the case of a motor traffic offence committed by an expert or a consultant or in the case of damage caused by a motor vehicle belonging to or driven by him. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Organization ; (b) inviolability for all papers and documents ; (c) for the purpose of their communications with the Organization, the right to use codes and to despatch or receive papers or correspondence by courier or in sealed bags ; (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national

service obligations in Denmark ; (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions ; (f) the same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions.

Section 2. Privileges and immunities are granted to experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The General Secretary shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Article VIII

OFFICIALS

Section 1. The Bureau or the General Secretary as its duly authorized representative, shall from time to time communicate to the Government of Denmark the names of those officials to whom the provisions of this Article and Article IX shall apply.

Section 2. (1) Officials of the Organization, irrespective of nationality, shall : (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity ; this immunity shall not apply, however, in the case of a motor traffic offence committed by a staff member of the Organization, nor in the case of damage caused by a motor vehicle belonging to or driven by a staff member ; (b) be exempt from taxation in respect of the salaries and emoluments paid to them by the Organization.

(2) Moreover those who are not of Danish nationality shall : (a) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration formalities ; (b) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to Denmark ; (c) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions ; (d) have the right to import free of duty their furniture and effects at the latest within a period of three years upon their definitive appointment to their post in Denmark, as well as certain products intended for personal consumption (food products, drinks, etc.) in accordance with a list to be approved by the Government of Denmark ; (e) have the right, once every three years to import free of customs and excise duties a motor vehicle,

it being understood that permission to sell or dispose of the vehicle in the open market will normally be granted two years after its importation only. It is further understood that customs duties will become payable in the event of the sale or disposal of such motor vehicle within three years after its importation to a person not entitled to this exemption.

Section 3. (1) The officials of the Organization shall be exempt from national service obligations in Denmark provided that, in relation to officials who are Danish nationals, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Bureau or the General Secretary as its duly authorized representative and approved by the Government of Denmark.

(2) Should other officials of the Organization be called up for national service, the Government of Denmark shall, at the request of the Bureau or the General Secretary as its duly authorized representative grant such deferments in the call-up of such officials as may be necessary to avoid serious dislocation in the continuation of essential work.

Section 4. In addition to the immunities and privileges specified in Sections 2 and 3 of this Article, the General Secretary shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

Section 5. Privileges and immunities are granted to officials in the interests of the Organization, and not for the personal benefit of the individuals themselves. The Bureau or the General Secretary as its duly authorized representative shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Section 7. The Organization shall cooperate at all times with the appropriate authorities of the Government of Denmark to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this Article.

Article IX

VISAS, PERMITS OF RESIDENCE

Section 1. (1) The Government of Denmark shall take all measures required to facilitate the entry into, residence in, and departure from Denmark

of all persons having official business with the Organization, i.e. : (a) representatives of Members, whatever may be the relations between Denmark and the Member concerned ; (b) experts and consultants on missions for the Organization, irrespective of nationality ; (c) officials of the Organization ; (d) other persons, irrespective of nationality, summoned by the Organization.

(2) Any police regulation calculated to restrict the entry of aliens into Denmark or to regulate the conditions of their residence, shall not apply to the persons provided for in this section.

(3) The Government of Denmark shall issue to the embassies, legations and consulates abroad general instructions in advance to grant visas to any applicant on production of a valid identity and travel document and of a document establishing his official relationship to the Organization, without any delay or waiting period and without requiring his personal attendance or the payment of any charges.

(4) The provisions of this Section shall apply to the spouse and dependents of the person concerned if they live with him and do not exercise an independent profession or calling.

Section 2. The General Secretary of the Organization travelling on its official business shall be granted the same facilities as are accorded to diplomatic envoys.

Article X

SECURITY OF GOVERNMENT OF DENMARK

Nothing in the present Agreement shall be construed to preclude the adoption of appropriate security precautions in the interests of the Government of Denmark which shall be determined by agreement between the Government of Denmark and the Bureau.

Article XI

SETTLEMENT OF DISPUTES

Section 1. The Organization shall make provision for appropriate modes of settlement of : (a) disputes arising out of contracts or other disputes of a private law character to which the Organization is a party ; (b) disputes involving any official of the Organization, who, by reason of his official position, enjoys immunity, if immunity has not been waived in accordance with the provisions of Article VIII, Section 5.

Section 2. Any difference between the Organization and the Government of Denmark arising out of the interpretation or application of the present Agreement or of any supplementary arrangement or agreement which is not settled by negotiation shall be submitted for decision to a Board of

three arbitrators ; the first to be appointed by the Government of Denmark, the second by the Bureau of the Organization, and the third, the presiding arbitrator, by the President of the International Court of Justice, unless in any specific case the parties hereto agree to resort to a different mode of settlement.

Article XII

FINAL PROVISIONS

Section 1. The present Agreement shall enter into force upon an exchange of notes between the authorized representatives of the Government of Denmark and the Organization stating respectively that it has been approved by the Government of Denmark and adopted by the Council of the Organization.

Section 2. On the coming-into-force of the present Agreement, it will be communicated for registration to the General Secretary of the United Nations by the Danish Government to give effect to Article 102 of the Charter of the United Nations adopted by the General Assembly of the United Nations on 14 December 1946.

Section 3. The present Agreement may be revised at the request of either party. In this event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding within one year, the present Agreement may be denounced by either party giving two years' notice. Notice of denunciation to the Government of Denmark may be given to the representative of that Government in the Organization and notice to the Organization may be given to the Bureau.

IN FAITH WHEREOF the present Agreement was done and signed at Copenhagen on the twenty-fourth day of July 1968 in two copies in English, of which one copy was handed to the representatives of the Government of Denmark and the other copy to the President of the International Council for the Exploration of the Sea.

For the Government of Denmark :

Poul HARTLING

For the International Council for the Exploration of the Sea :

A. E. J. WENT
President

Hans TAMBS-LYCHE
General Secretary