

No. 22491

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
COMMONWEALTH TELECOMMUNICATIONS
ORGANISATION**

**Headquarters Agreement. Signed at London on 30 March
1983**

Authentic text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
1 December 1983.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
ORGANISATION DES TÉLÉCOMMUNICATIONS
DU COMMONWEALTH**

Accord de siège. Signé à Londres le 30 mars 1983

Texte authentique : anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
1^{er} décembre 1983.*

HEADQUARTERS AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE COMMONWEALTH TELECOMMUNICATIONS ORGANISATION

The Government of the United Kingdom of Great Britain and Northern Ireland and the Commonwealth Telecommunications Organisation,

Desiring to define the status, privileges and immunities of the Organisation and persons connected with it,

Have agreed as follows:

Article 1. USE OF TERMS

For the purpose of this Agreement:

(a) "Organisation" means the Commonwealth Telecommunications Organisation;

(b) "Government" means the Government of the United Kingdom of Great Britain and Northern Ireland;

(c) "Representatives" means representatives of members of the Organisation and in each case means heads of delegations, alternates, and advisers;

(d) "Official activities of the Organisation" includes its administrative activities and those undertaken pursuant to its Constitution;

(e) "Staff member" means the General Secretary and all persons appointed or recruited for full-time employment with the Organisation and subject to its staff regulations, other than persons recruited locally and assigned to hourly rates of pay;

(f) "Citizen of the United Kingdom" means a person who is a British citizen, a British Dependent Territories citizen, or a British Overseas citizen.

Article 2. INTERPRETATION

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

Article 3. LEGAL PERSONALITY

The Organisation shall have legal personality. It shall in particular have the capacity to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings.

Article 4. IMMUNITY

(1) Within the scope of its official activities the Organisation shall have immunity from jurisdiction and execution except:

(a) To the extent that the Organisation waives such immunity from jurisdiction or immunity from execution in a particular case;

(b) In respect of any contract for the supply of goods or services, and any loan or

¹ Came into force on 30 March 1983 by signature, in accordance with article 22 (1).

other transaction for the provision of finance and any guarantee or indemnity in respect of any such transaction or of any other financial obligation;

- (c) In respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to, or operated on behalf of the Organisation or in respect of a motor traffic offence involving such a vehicle;
- (d) In respect of a civil action relating to death or personal injury caused by an act or omission in the United Kingdom;
- (e) In the event of the attachment, pursuant to the final order of a court of law, of the salaries, wages or other emoluments owed by the Organisation to a staff member of the Organisation;
- (f) In respect of the enforcement of an arbitration award made under Article 21 of this Agreement;
- (g) In respect of a counter-claim directly connected with proceedings initiated by the Organisation; and
- (h) In respect of proceedings relating to a contract of employment between the Organisation and a staff member.

(2) The Organisation's property and assets wherever situated shall be immune from any form of administrative or provisional judicial constraint, such as requisition, confiscation, expropriation or attachment, except insofar as may be temporarily necessary in connection with the prevention of, and investigation into, accidents involving motor vehicles belonging to, or operated on behalf of, the Organisation.

Article 5. INVIOABILITY OF ARCHIVES

The archives of the Organisation shall be inviolable. The term "archives" includes all records, correspondence, documents, manuscripts, photographs, films and recordings conveying information by any means whatsoever belonging to or held by the Organisation and to all information contained therein.

Article 6. FLAG AND EMBLEM

The Organisation shall be entitled to display its flag and emblem on the premises and means of transport of the Organisation and of the General Secretary.

Article 7. EXEMPTION FROM TAXES

(1) Within the scope of its official activities, the Organisation and its property and income shall be exempt from all direct taxes. Direct taxes include income tax, capital gains tax, and corporation tax.

(2) The Organisation shall be granted relief from general rates levied by the local authorities on the premises of the Organisation with the exception of the proportion which, as in the case of diplomatic missions, represents payments for specific services rendered. Rates shall in the first instance be paid by the Government and the proportion which represents payments for specific services rendered shall be recovered by them from the Organisation.

(3) The Organisation shall be accorded a refund of car tax and value added tax paid on the purchase of new motor cars of United Kingdom manufacture, and, where it is readily identifiable, value added tax paid on the supply of goods or services of substantial value, necessary for the official activities of the Organisation. In this connection it is envisaged that claims for refunds will be made only in respect of goods or services supplied on a recurring basis or involving considerable quantities of goods or involving considerable expenditure such as the furnishing of the premises of the Organisation. No refund shall be made in respect of any claim for

goods or services where the value of the goods or services does not amount in the aggregate to £300 sterling or more.

Article 8. EXEMPTION FROM CUSTOMS DUTIES

(1) Goods whose import or export by or on behalf of the Organisation is necessary for the exercise of its official activities shall be exempt from all duties (whether of customs or excise) and other such charges imposed upon or by reason of importation or exportation (except mere payments for services) and from all prohibitions and restrictions on import or export.

(2) The Organisation shall be accorded a refund of duty (whether of customs or excise) and value added tax paid on the importation of hydrocarbon oils purchased by it and necessary for the exercise of its official activities.

Article 9. EXEMPTION FROM TAXES AND DUTIES

Exemption in respect of taxes or duties under Article 7 or Article 8 of this Agreement shall not be granted in respect of goods or services which may be purchased or imported for the personal benefit of a staff member of the Organisation.

Article 10. RE-SALE

Goods which have been acquired under Article 7 or imported under Article 8 of this Agreement shall not be given away, sold, hired out or otherwise disposed of unless the appropriate authorities have been notified in advance and any necessary duties and taxes paid.

Article 11. FUNDS, CURRENCY AND SECURITIES

The Organisation may receive, acquire, hold and dispose of freely any kinds of funds, currencies or securities.

Article 12. CIRCULATION OF PUBLICATIONS

The circulation of publications and other information material sent by or to the Organisation within the scope of its official activities shall not be restricted in any way.

Article 13. REPRESENTATIVES

(1) Representatives shall enjoy, while exercising their functions and in the course of their journeys to and from the place of meeting, the following privileges and immunities;

- (a) Immunity from jurisdiction (even after the termination of their mission) in respect of acts, including words written or spoken, done by them in the exercise of their functions; this immunity shall not however apply in the case of a motor traffic offence committed by a representative nor in the case of damage caused by a motor vehicle belonging to or driven by him;
- (b) Inviolability for all their official papers and documents;
- (c) Exemption for themselves and their spouses from all measures restricting entry, from charges for visas and from registration formalities for the purpose of immigration control;
- (d) Unless they are residents of the United Kingdom for the purpose of exchange control, the same exchange control treatment as is accorded to diplomatic agents; and
- (e) The same facilities as regards their personal luggage as are accorded to officials of foreign Governments on temporary missions.

(2) The provisions of the preceding paragraph shall be applicable irrespective

of the relations existing between the Governments which the persons referred to represent and the Government of the United Kingdom and are without prejudice to any special immunities to which such persons may be entitled.

(3) The privileges and immunities described in paragraph (1) of this Article shall not be accorded to any representative of the Government or to any citizen of the United Kingdom.

(4) Privileges and immunities are accorded to representatives in order to ensure complete independence in the exercise of their functions in connection with the Organisation. A Member State shall waive the immunity of its representative where the immunity would impede the course of justice and where it can be waived without prejudicing the purposes for which it was accorded.

(5) In order to assist the Government to implement the provisions of this Article, the Organisation shall as far as possible inform the Government of the names of representatives in advance of their arrival in the United Kingdom.

Article 14. STAFF MEMBERS

Staff members of the Organisation:

- (a) Shall have (even after they have left the service of the Organisation) immunity from jurisdiction in respect of acts done by them in the exercise of their functions, including words written or spoken; this immunity shall not however apply in the case of a motor traffic offence committed by a staff member nor in the case of damage caused by a motor vehicle belonging to or driven by him;
- (b) Shall be exempt from any obligation in respect of military service; and members of their families forming part of their households shall enjoy the same exemption, provided that this exemption shall not apply to any person who is a citizen of the United Kingdom;
- (c) Shall enjoy inviolability for all their official papers and documents;
- (d) Shall enjoy exemption from all measures restricting immigration, from charges for visas and from registration formalities for the purpose of immigration control; and members of their families forming part of their households shall enjoy the same facilities;
- (e) Unless they are citizens of the United Kingdom or permanently resident in the United Kingdom shall 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 they were resident for exchange control purposes when appointed to their posts with the Organisation;
- (f) Unless they are citizens of the United Kingdom or permanently resident in the United Kingdom, shall, at the time of first taking up their post in the United Kingdom, be exempt from duties (whether of customs or excise) and other such charges (except mere payments for services) in respect of import of their furniture and personal effects (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. Such goods shall normally be imported within three months of their first entry into the United Kingdom, but in exceptional circumstances an extension of this period may be granted. The privilege shall be subject to the conditions governing the disposal of goods imported into the United Kingdom free of duty and to the general restrictions applied in the United Kingdom to all imports; and
- (g) Shall, in time of international crisis, enjoy the same facilities as to repatriation

as diplomatic agents, and the members of their families forming part of their household shall enjoy the same facilities.

Article 15. INCOME TAX

(1) The staff members of the Organisation shall be subject to a tax imposed by the Organisation for its benefit on salaries and emoluments paid by the Organisation. From the date on which this tax is applied such salaries and emoluments shall be exempt from United Kingdom income tax, but the Government shall retain the right to take these salaries and emoluments into account for the purpose of assessing the amount of taxation to be applied to income from other sources.

(2) In the event that the Organisation operates a system for the payment of pensions and annuities to its former staff members, the provisions of paragraph (1) of this Article shall not apply to such pensions and annuities.

Article 16. SOCIAL SECURITY

When the Organisation has established its own social security scheme or has joined that of another international organisation under conditions laid down in the staff regulations of the Organisation, those staff members of the Organisation who are not citizens of the United Kingdom or permanently resident in the United Kingdom, shall with respect to services rendered for the Organisation be exempt from the provisions of any social security scheme established by the law of the United Kingdom.

Article 17. OBJECT OF PRIVILEGES AND IMMUNITIES. WAIVER

(1) The privileges and immunities accorded in this Agreement to staff members are provided solely to ensure in all circumstances the unimpeded functioning of the Organisation and the complete independence of the persons to whom they are accorded.

(2) The General Secretary has the right and the duty to waive such immunities (other than his own) when he considers that such immunities are preventing the carrying out of justice and when it is possible to dispense with them without prejudicing the interests of the Organisation. In respect of the General Secretary, the Council of the Organisation may waive his immunities.

Article 18. CO-OPERATION

The Organisation shall co-operate at all times with the appropriate authorities in order to prevent any abuse of the privileges and immunities and facilities provided for in this Agreement. The right of the Government to take all precautionary measures in the interests of its security shall not be prejudiced by any provisions in this Agreement.

Article 19. NOTIFICATION OF APPOINTMENT. CARDS

(1) The Organisation shall inform the Government when a staff member takes up or relinquishes his post. Furthermore the Organisation shall from time to time send to the Government a list of all staff members. In each case the Organisation shall indicate whether a staff member is a citizen of the United Kingdom or permanently resident in the United Kingdom.

(2) The Government shall issue to all staff members on notification of their appointment, a card bearing the photograph of the holder and identifying him as a staff member. This card shall be accepted by the appropriate authorities as evidence of identity and appointment. The Organisation shall return the card to the Government when the holder relinquishes his duties.

Article 20. MODIFICATION

At the request either of the Government or of the Organisation 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 Letters between a representative of the Government and the General Secretary (after approval by the Council of the Organisation).

Article 21. DISPUTES

Any dispute between the Government and the Organisation concerning the interpretation or application of this Agreement or any question affecting the relations between the Government and the Organisation 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 those arbitrators shall be chosen by Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, one shall be chosen by the General Secretary 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 Organisation, shall be chosen by the President of the International Court of Justice.

Article 22. ENTRY INTO FORCE AND TERMINATION

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

(2) This Agreement may be terminated by agreement between the Government and the Organisation. In the event of the Headquarters of the Organisation being moved from the territory of the United Kingdom, this Agreement shall, after the period reasonably required for such transfer and the disposal of the property of the Organisation 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 30th day of March 1983.

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

MALCOLM RIFKIND

For the Commonwealth Telecommunications Organisation:

G. H. CUNNOLD
