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**PRIVILEGES
AND
IMMUNITIES**



Treaty Series No. 18 (1986)

Headquarters Agreement

between the
Government of the United Kingdom of
Great Britain and Northern Ireland and the
North Atlantic Salmon Conservation
Organization

Edinburgh, 26 April 1985

[The Agreement entered into force on 19 November 1985]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
March 1986*

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**HEADQUARTERS AGREEMENT
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE
NORTH ATLANTIC SALMON CONSERVATION ORGANIZATION**

The Government of the United Kingdom of Great Britain and Northern Ireland and the North Atlantic Salmon Conservation Organization;

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

Have agreed as follows :

ARTICLE 1

Use of terms

For the purpose of this Agreement :

- (a) " Organization " means the North Atlantic Salmon Conservation Organization;
- (b) " the Government " means the Government of the United Kingdom of Great Britain and Northern Ireland;
- (c) " representatives " means representatives of members of the Organization and in each case means heads of delegations, alternates, advisers and experts;
- (d) " premises of the Organization " means the buildings or parts of buildings and the land ancillary thereto used for the official purposes of the Organization;
- (e) " official activities of the Organization " means those undertaken pursuant to the Convention for the Conservation of Salmon in the North Atlantic Ocean⁽¹⁾ and includes its administrative activities;
- (f) " Secretariat member " means the Secretary and all persons appointed or recruited for full-time employment with the Organization and subject to its staff regulations, other than persons in the domestic service of the Organization and persons recruited locally and assigned to hourly rates of pay;
- (g) " United Kingdom national " 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 Organization at its Headquarters in the United Kingdom fully and efficiently to discharge its responsibilities and fulfil its purposes and functions.

(1) Miscellaneous No. 7 (1983), Cmnd. 8830.

ARTICLE 3

Legal capacity

The Organization 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

Inviolability of archives

(1) The archives of the Organization shall be inviolable. The term "archives" includes all records, correspondence, documents, manuscripts, photographs, films and recordings belonging to or held by the Organization and all information contained therein.

(2) The location of the archives shall be made known to the Government by the Secretary who shall also inform the Government of any change in their location.

ARTICLE 5

Flag and emblem

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

ARTICLE 6

Exemption from Taxes

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

(2) The Organization shall be granted relief from general rates levied by the local authorities on the premises of the Organization with the exception of the proportion which, as in the case of diplomatic missions, represents payments for specific services rendered. General 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 Organization. For the purposes of this Article this relief does not extend to any dwelling or premises used for residential purposes.

(3) The Organization 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 Organization. In this connection it is envisaged that claims for refund 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 Organization. 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 7

Exemption from customs and excise duties

(1) Goods whose import or export by or on behalf of the Organization is necessary for the exercise of its official activities shall be exempt from all duties (whether of customs or excise) and other 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 Organization shall be accorded a refund of the 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 8

Exemption from taxes and duties

Exemption in respect of taxes or duties under Article 6 or Article 7 of this Agreement shall not be granted in respect of goods or services purchased or imported for the personal benefit of a Secretariat member of the Organization.

ARTICLE 9

Re-sale

Goods which have been acquired under Article 6 or imported under Article 7 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 10

Funds, currency and securities

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

ARTICLE 11

Circulation of publications

The circulation of publications and other information material sent by or to the Organization shall not be restricted in any way.

ARTICLE 12

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; and
- (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.

(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 nor to any United Kingdom national.

(4) Privileges and immunities are accorded to representatives in order to ensure complete independence in the exercise of their functions in connection with the Organization. A Government may waive the immunity of its representatives 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) The provisions of this Article shall be without prejudice to any privileges and immunities to which a representative may be entitled under any other international Agreement.

ARTICLE 13

Secretariat members

Secretariat members of the Organization:

- (a) shall have (even after they have left the service of the Organization) 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 Secretariat member nor in the case of damage caused by a motor vehicle belonging to or driven by him;
- (b) shall be exempt from any obligations 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 United Kingdom national;

- (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; and
- (e) unless they are United Kingdom nationals 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.

ARTICLE 14

Income Tax

(1) The Secretariat members of the Organization shall be subject to an income tax imposed by the Organization for its benefit on salaries and emoluments paid by the Organization. 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 Organization operates a system for the payment of pensions and annuities to its former Secretariat members, the provisions of paragraph (1) of this Article shall not apply to such pensions and annuities.

ARTICLE 15

Social Security

When the Organization has established its own social security scheme or has joined that of another international organization, under conditions laid down in the staff rules of the Organization, the Secretariat members of the Organization shall with respect to services rendered by them for the Organization be exempt from the provisions of any social security scheme established by the law of the United Kingdom.

ARTICLE 16

Object of privileges and immunities. Waiver

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

(2) The 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 Organization. In respect of the Secretary, the Organization may waive his immunities.

ARTICLE 17

Co-operation

The Organization 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.

ARTICLE 18

Submission of certain disputes to international arbitration

The Organization shall, at the instance of the Government, submit to international arbitration any dispute involving a Secretariat member which cannot be adjudicated in the United Kingdom because of a claim to immunity.

ARTICLE 19

Notification of appointment. Cards

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

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

ARTICLE 20

Modification

At the request either of the Government or 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 Letters between a representative of the Government and the Secretary after approval by the Council of the Organization.

ARTICLE 21

Disputes

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 method shall, at the instance of either, be referred for final decision to a panel of three arbitrators. One of these arbitrators shall be chosen by Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, one shall be chosen by the President of the Council 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 90 days of their own appointment or should either party fail to appoint an arbitrator within 90 days of being requested to do so by the other, either the Government or the Organization may request the President of the International Court of Justice to make the relevant designation.

ARTICLE 22

Entry into force and termination

(1) This Agreement shall enter into force on the date on which the United Kingdom legislation giving effect thereto comes into operation, which date shall be notified to the Organization.⁽²⁾

(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 or in the event of the Organization ceasing to exist, this Agreement shall cease to be in force after the period reasonably required for any such transfer or the settlement of the affairs of the Organization and the disposal of its property in the United Kingdom.

In witness whereof the respective representatives have signed this Agreement.

Done in duplicate at Edinburgh this 26th day of April 1985.

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

MALCOLM RIFKIND

For the North Atlantic Salmon Conservation Organization:

G. EIRIKSSON

⁽²⁾ The Agreement entered into force on 19 November 1985.