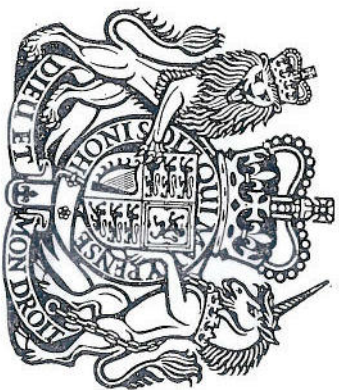


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PRIVILEGES AND
IMMUNITIES

Treaty Series No. 44 (1980)

Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Maritime Satellite Organization

London, 25 February 1980

[The Agreement entered into force on 25 February 1980]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
June 1980*

LONDON

HER MAJESTY'S STATIONERY OFFICE

**HEADQUARTERS AGREEMENT BETWEEN THE
GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND AND THE INTERNATIONAL
MARITIME SATELLITE ORGANIZATION**

The Government of the United Kingdom of Great Britain and Northern Ireland and the International Maritime Satellite Organization;

Having regard to Article 26 of the Convention on the International Maritime Satellite Organization (INMARSAT);

Desiring to define the status, privileges and immunities in the United Kingdom of the Organization and of persons connected therewith;

Have agreed as follows:

ARTICLE 1

Definitions

For the purpose of this Agreement:

- (a) "Convention" means the Convention on the International Maritime Satellite Organization (INMARSAT);
- (b) "Operating Agreement" means the Operating Agreement on the International Maritime Satellite Organization (INMARSAT);
- (c) "Organization" means the International Maritime Satellite Organization;
- (d) "Government" means the Government of the United Kingdom of Great Britain and Northern Ireland;
- (e) "Party" means a State for which the Convention has entered into force;
- (f) "Signatory" means either a Party or an entity designated in accordance with Article 2(3) of the Convention, for which the Operating Agreement has entered into force;
- (g) "representatives" in the case of both Parties and Signatories means representatives to the Organization and in each case means heads of delegations, alternates and advisers;
- (h) "official activities" of the Organization means its activities carried out in pursuance of its purpose as defined in the Convention and includes its administrative activities;
- (i) "staff member" means the Director General and all persons employed full time by the Organization and subject to its staff regulations, other than persons recruited locally and assigned to hourly rates of pay;
- (j) "nationals of the United Kingdom" means those British subjects who are referred to in the United Kingdom regulations implementing this Agreement.

ARTICLE 2

Interpretation

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.

ARTICLE 3

Inviolability of archives

The archives of the Organization shall be inviolable wherever located or by whomsoever held. The term "archives" includes all records, correspondence, documents, manuscripts, photographs, films and recordings belonging to or held by the Organization.

ARTICLE 4

Premises

(1) The Government undertake to assist the Organization in the acquisition or hire of premises at such time as they may be needed.

(2) 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 interruption or threatened interruption of any such services, the Government shall consider the needs of the Organization and shall accordingly take all reasonable steps to ensure that the Organization is not prejudiced.

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 the Director General.

ARTICLE 6

Jurisdiction over and immunity of the Organization

(1) Actions may be brought against the Organization in courts of competent jurisdiction of the United Kingdom. No action shall, however, be brought by Parties or Signatories or persons acting for or deriving claims from them.

(2) The space segment of the Organization, wherever located and by whomsoever held, shall be immune from all forms of restraint, seizure, attachment or execution except to the extent that the Organization shall

have expressly waived such immunity in a particular case. The other property and assets of the Organization, wherever located and by whomsoever held, shall enjoy the same immunity but only before delivery of final judgment against the Organization. Nothing in this paragraph shall prevent the taking of measures which are temporarily necessary in connection with the prevention of and investigation into accidents involving motor vehicles belonging to or operated on behalf of the Organization.

(3) Subject to the preceding paragraph, the property and assets of the Organization, wherever located and by whomsoever held, shall be immune from requisition, confiscation, expropriation and sequestration.

(4) "Space segment" means the satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment required to support the operation of these satellites.

ARTICLE 7

Exemption from taxes

(1) Within the scope of its official activities, the Organization and its property and income shall be exempt from all direct taxes including income tax, capital gains tax and corporation tax. The Organization shall be granted relief from municipal rates levied 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. The municipal rates referred to in this paragraph shall in the first instance be paid by the Government, which shall recover from the Organization the proportion which represents payments for specific services rendered. The Organization shall also be exempt from vehicle excise duty in respect of its official vehicles.

(2) The Organization shall be exempt from car tax and value added tax on the purchase of new motor cars of United Kingdom manufacture, and shall be accorded a refund of value added tax paid on the supply of other goods or services which are necessary for the official activities of the Organization. Claims for refund of value added tax in respect of goods and services shall normally be presented monthly.

ARTICLE 8

Exemption from customs and excise duties

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

(2) The Organization 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 8 shall not be granted in respect of goods purchased and imported for the personal benefit of staff members.

ARTICLE 10

Resale

(1) Goods which have been acquired under Article 7 or imported under Article 8 shall not be sold, given away, hired out or otherwise disposed of in the United Kingdom, unless the Government has been informed beforehand and the relevant duties and taxes paid.

(2) The duties and taxes to be paid shall be calculated on the basis of the rate prevailing and the value of the goods on the date on which the goods change hands or are made over to other uses.

ARTICLE 11

Funds, currency and securities

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

ARTICLE 12

Communications and publications

(1) With regard to its official communications and the transfer of all its documents, the Organization shall enjoy treatment not less favourable than that generally accorded to equivalent inter-governmental organizations in the matter of priorities, rates and taxes on mails and all forms of tele-communications, and in this respect the Government shall have regard to the particular needs of the Organization for telecommunications.

(2) The Organization may employ all appropriate means of communication, including messages in code or cypher. The Government shall not impose any restriction on the official communications of the Organization or on the circulation of its publications.

(3) The Organization may install and use a radio transmitter only with the consent of the Government.

ARTICLE 13

Tax exemption of Signatories

Signatories, other than the Signatory designated by the United Kingdom in accordance with Article 2(3) of the Convention, shall be exempt from taxation, including income tax and capital gains tax, in respect of payments made to them by the Organization in accordance with the Operating Agreement.

ARTICLE 14

Representatives of Parties and Signatories

(1) Representatives of Parties and Signatories shall enjoy, while performing their duties in relation to the work of the Organization and in the course of their journeys to and from their place of work, 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 vehicle belonging to or driven by him;

(b) inviolability for all their official papers;

(c) exemption for themselves and members of their families forming part of their households from all measures restricting entry to the United Kingdom for the purpose of meetings convened by the Organization, from charges for visas and from registration formalities for the purpose of immigration control; and

(d) the same treatment in the matter of currency and exchange control as is accorded to a diplomatic agent, unless they are nationals of the United Kingdom or resident in the United Kingdom for exchange control purposes.

(2) Representatives of Parties shall also enjoy, while performing their duties in relation to the work of the Organization and in the course of their journeys to and from their place of work:

(a) immunity from any form of arrest or detention pending trial; and

(b) the same customs and other facilities as regards their personal luggage as are accorded to representatives of foreign governments on temporary official missions.

(3) The preceding paragraphs shall apply without prejudice to any special immunities to which the persons referred to may be entitled.

(4) The privileges and immunities described in paragraphs (1) and (2) shall not be accorded to any representative of the Government or of the Signatory designated by the United Kingdom in accordance with Article 2(3) of the Convention, or to any national of the United Kingdom.

(5) Where the incidence of any form of taxation depends upon residence, periods during which representatives of Parties or Signatories are present in the United Kingdom solely for the purpose of participating in meetings convened by the Organization shall not be considered as periods of residence in the United Kingdom. This paragraph shall not apply to nationals of the United Kingdom or to persons permanently resident in the United Kingdom.

(6) Privileges and immunities are not accorded to representatives for their personal advantage but 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 representative or of the representative of its Signatory where, in its opinion, the immunity would impede the course of justice and where it can be waived without prejudicing the purposes for which it was accorded.

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

ARTICLE 15

Staff members

(1) The staff members of the Organization shall enjoy the following privileges and immunities:

- (a) immunity from jurisdiction, even after they have left the service of the Organization, 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 staff member nor in the case of damage caused by a motor vehicle belonging to or driven by him;
- (b) exemption, together with members of their families forming part of their households, from any obligations in respect of military service; this exemption shall not apply to nationals of the United Kingdom;
- (c) inviolability for all their official papers;
- (d) exemption, together with members of their families forming part of their households, from all measures restricting immigration, from charges for visas and from registration formalities for the purpose of immigration control;
- (e) the same treatment in the matter of currency and exchange control as is accorded to a diplomatic agent, unless they are nationals of the United Kingdom or, at the time of first taking up their post in the United Kingdom, are resident in the United Kingdom for exchange control purposes;
- (f) the same facilities as to repatriation as diplomatic agents in time of international crisis; members of their families forming part of their households shall enjoy the same facilities;
- (g) at the time of first taking up their post in the United Kingdom exemption from duties (whether of customs or excise) and other such charges (except 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 the first entry of the staff member into the United Kingdom; an extension of this period will however be granted where justified. If staff members on the termination of their functions export goods to which this paragraph applies, they shall be exempt from any duty or other charge which may be imposed by reason of such export (except

payments for services). The privileges referred to in this subparagraph 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 exports. The exemptions do not apply to nationals of the United Kingdom, nor to permanent residents of the United Kingdom.

(2) (a) Salaries and emoluments paid by the Organization to staff members shall be exempt from income tax from the date upon which the staff members have begun to be liable for a tax imposed on their salaries by the Organization for the latter's benefit; the Government retains 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.

(b) Sub-paragraph (a) does not apply to any pensions and annuities paid by the Organization to former staff members.

(3) From the date on which the Organization establishes or joins a social security scheme, the staff members of the Organization, if they are not nationals of the United Kingdom or permanently resident in the United Kingdom, shall with respect to services rendered for the Organization be exempt from the provisions of any social security scheme established by the United Kingdom.

ARTICLE 16

The Director General

In addition to the privileges and immunities provided for staff members under Article 15, the Director General, unless he is a national of the United Kingdom or permanently resident in the United Kingdom, shall enjoy:

- (a) immunity from arrest and detention; and
- (b) the immunity from jurisdiction to which a diplomatic agent in the United Kingdom is entitled, except that this immunity shall not apply in the case of a motor traffic offence committed by him nor in the case of damage caused by a motor vehicle belonging to or driven by him.

ARTICLE 17

Experts

Experts (other than staff members) in the exercise of their functions in connection with the Organization or in carrying out missions for the Organization shall enjoy the following privileges and immunities to the extent that they are necessary for the carrying out of their functions, including during journeys made in carrying out their functions and in the course of such missions:

- (a) immunity from jurisdiction, even after they have ceased to be employed by the Organization, in respect of acts done by them in the exercise of their functions, including words written or spoken, except in the case of a motor traffic offence committed by an expert or in the case of damage caused by a motor vehicle belonging to or driven by him;

- (b) inviolability for all their official papers;
- (c) the same treatment in the matter of currency and exchange control as is accorded to a diplomatic agent, unless they are nationals of the United Kingdom or resident in the United Kingdom for exchange control purposes; and
- (d) the same facilities as regards their personal luggage as are accorded to officials of foreign governments on temporary official missions.

ARTICLE 18

Object of privileges and immunities. Waiver

- (1) The privileges and immunities accorded in this Agreement to the staff members and experts of the Organization 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 Director General has the right and the duty to waive such immunities (other than his own) when he considers that they are preventing the carrying out of justice and when it is possible to dispense with them without prejudicing the interests of the Organization. The Council may waive the immunity of the Director General.

ARTICLE 19

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. The right of the Government to take all precautionary measures in the interests of its security shall not be prejudiced by any provision in this Agreement.

ARTICLE 20

Notification of appointments. Cards

(1) The Organization shall inform the Government when a staff member or expert takes up or relinquishes his duties. Furthermore, the Organization shall from time to time send to the Government a list of all the staff members and experts of the Organization. It shall in each case indicate whether or not the individual concerned is a national 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 of the United Kingdom as evidence of identity and appointment.

ARTICLE 21

Modification

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 an authorised representative of the Government and the Director General.

ARTICLE 22

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 agreed method shall at the request of either of them be referred for final decision to a tribunal 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 Director 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 four months 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. The arbitral tribunal shall determine its own procedure, using the Annex to the Convention as a basis for such determination.

ARTICLE 23

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 Organization. In the event of the Headquarters of the Organization being moved from the territory of the United Kingdom, this Agreement shall cease to be in force after the period reasonably required for such transfer and the disposal of the property of the Organization in the United Kingdom.

In witness whereof the undersigned, duly authorised thereto, have signed this Agreement.

Done at London this 25th day of February 1980.

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

NICHOLAS RIDLEY

For the International Maritime Satellite Organization:

OLOF LUNDBERG