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Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Mobile Satellite Organisation

London, 15 April 1999

[The Agreement entered into force on 15 April 1999]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
November 1999*

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

The Government of the United Kingdom of Great Britain and Northern Ireland and the International Mobile Satellite Organisation

HAVING REGARD to Article 9.5 of the Convention on the International Mobile Satellite Organisation;¹

DESIRING to define the status, privileges and immunities in the United Kingdom of the Organisation 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 Mobile Satellite Organisation, as amended;
- (b) “Organisation” means the International Mobile Satellite Organisation;
- (c) “Government” means the Government of the United Kingdom of Great Britain and Northern Ireland;
- (d) “Party” means a State for which the Convention has entered into force;
- (e) “representatives” means representatives of Parties to the Organisation and in each case means heads of delegation, alternates and advisers;
- (f) “official activities” of the Organisation means its activities carried out in pursuance of its purpose as defined in the Convention and includes its administrative activities;
- (g) “staff member” means the Director and all persons employed full time by the Organisation and subject to its staff regulations, other than persons recruited locally and assigned to hourly rates of pay.

ARTICLE 2

Interpretation

This Agreement shall be interpreted in the light of its 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 as they are defined in the Convention.

ARTICLE 3

Inviolability of Archives

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

¹Treaty Series No. 94 (1979) Cmnd 7722.

ARTICLE 4

Premises

- (1) The Government undertake to assist the Organisation 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 Organisation and shall accordingly take all reasonable steps to ensure that the Organisation is not prejudiced.

ARTICLE 5

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 Director.

ARTICLE 6

Immunity of the Organisation from Jurisdiction and Execution

- (1) Unless the Organisation has expressly waived immunity in a particular case or under a written agreement, it shall, within the scope of its official activities, have immunity from jurisdiction except in respect of:
 - (a) any commercial activities
 - (b) a civil action by a third party for damage arising from an accident caused by a motor vehicle or other means of transport belonging to, or operated on behalf of, the Organisation, or in respect of a traffic offence involving such means of transport;
 - (c) the attachment, pursuant to the final order of a court of law, of the salaries and emoluments, including pension rights, owed by the Organisation to a staff member, or a former staff member;
 - (d) a counter-claim directly connected with judicial proceedings initiated by the Organisation.
- (2) Notwithstanding paragraph (1), no action shall be brought in the courts of the United Kingdom against the Organisation by Parties to the Convention or persons acting for or deriving claims from any of them, relating to rights and obligations under the Convention.
- (3) The property and assets of the Organisation, wherever located and by whomsoever held, shall be immune from any search, restraint, requisition, seizure, confiscation, expropriation, sequestration or execution, whether by executive, administrative or judicial action, except in respect of:
 - (a) an attachment or execution in order to satisfy a final judgement or order of a court of law that relates to any proceedings that may be brought against the Organisation pursuant to paragraph (1);
 - (b) any action taken in accordance with the law of the United Kingdom which is temporarily necessary in connection with the prevention of and investigation into accidents involving motor vehicles or other means of transport belonging to, or operated on behalf of, the Organisation;
 - (c) expropriation in respect of real property for public purposes and subject to prompt payment of fair compensation, provided that such expropriation shall not prejudice the functions and operations of the Organisation.

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 including Income Tax, Capital Gains Tax and Corporation Tax. The Organisation shall be granted relief from non-domestic rates or any other local taxes or duties on the official premises of the Organisation as is accorded to a Diplomatic mission. Rates or any other local taxes or duties shall in the first instance be paid by the Government, which shall recover from the Organisation the proportion which represents payments for specific services rendered. The Organisation shall also be exempt from vehicle excise duty in respect of its official vehicles.
- (2) The Organisation shall be accorded a refund of value added tax on the purchase of new motor cars of United Kingdom manufacture and value added tax paid on the supply of other goods or services which are necessary for the official activities of the Organisation. Claims for refund of value added tax in respect of goods and services shall normally be presented monthly.
- (3) The Organisation shall be accorded a refund of Insurance Premium Tax and Air Passenger Duty paid by the Organisation in the exercise of its official activities.

ARTICLE 8

Exemption from Customs and Excise Duties

- (1) Goods imported or exported by or on behalf of the Organisation 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 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 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 Organisation 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 Organisation shall enjoy treatment not less favourable than that generally accorded to equivalent inter-governmental organisations in the matter of priorities, rates and taxes on mails and all forms of telecommunications, and in this respect the Government shall have regard to the particular needs of the Organisation for telecommunications.
- (2) The Organisation may employ all appropriate means of communication, including messages in code or cipher. The Government shall not impose any restriction on the official communications of the Organisation or on the circulation of its publications.
- (3) The Organisation may install and use a radio transmitter only with the consent of the Government.

ARTICLE 13

Representatives of Parties

- (1) Representatives of Parties shall enjoy, while performing their duties in relation to the work of the Organisation 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; and
 - (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 Organisation, from charges for visas and from registration formalities for the purpose of immigration control.
- (2) Representatives of Parties shall also enjoy, while performing their duties in relation to the work of the Organisation 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 to a British citizen, a British Dependent Territories citizen, a British Overseas citizen or a British National (Overseas).
- (5) Where the incidence of any form of taxation depends upon residence, periods during which representatives of Parties are present in the United Kingdom solely for the purpose of participating in meetings convened by the Organisation shall not be considered as periods of residence in the United Kingdom. This paragraph shall not apply to a British citizen, a British Dependent Territories citizen, a British Overseas citizen or a British National (Overseas) 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 Organisation. A Party may waive the immunity of its representative 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 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

- (1) The staff members of the Organisation shall enjoy the following privileges and immunities:
- (a) immunity from jurisdiction, even after they have left the service of the Organisation, 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 a British citizen, a British Dependent Territories citizen, a British Overseas citizen or a British National (Overseas);
 - (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 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;
 - (f) 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 six 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 sub-paragraph 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 a British citizen, a British Dependent Territories citizen, a British Overseas citizen or a British National (Overseas) nor to permanent residents of the United Kingdom.

- (2) (a) Salaries and emoluments paid by the Organisation 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 these salaries by the Organisation 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 Organisation to former staff members.

(3) From the date on which the Organisation establishes or joins a social security scheme, the staff members of the Organisation, if they are not a British citizen, a British Dependent Territories citizen, a British Overseas citizen or a British National (Overseas) 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 United Kingdom.

ARTICLE 15

The Director

In addition to the privileges and immunities provided for staff members under Article 14, the Director, unless he is a British citizen, a British Dependent Territories citizen, or British Overseas citizen or a British National (Overseas) 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 16

Experts

Experts (other than staff members) in the exercise of their functions in connection with the Organisation or in carrying out missions for the Organisation 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 Organisation, 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; and
- (b) inviolability for all their official papers.

ARTICLE 17

Object of Privileges and Immunities. Waiver

- (1) The privileges and immunities accorded in this Agreement to the Organisation and its staff members and experts 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 Director has the right and the duty to waive such immunities of staff members and experts (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 Organisation. The Assembly may waive the immunities of the Organisation and the Director.

ARTICLE 18

Cooperation

The Organisation shall cooperate 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 19

Notification of Appointments. Cards

- (1) The Organisation shall inform the Government when a staff member or expert takes up or relinquishes his duties. Furthermore, the Organisation shall from time to time send to the Government a list of all the staff members and experts of the Organisation. It shall in each case indicate whether or not the individual concerned is a British citizen, a British Dependent Territories citizen, a British Overseas citizen or a British National (Overseas) 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 20

Modification

At the request either of the Organisation or of the Government, 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 the Director and an authorised representative of the Government.

ARTICLE 21

Disputes

Any dispute between the Organisation and the Government concerning the interpretation or application of this Agreement or any question affecting the relations between the Organisation and the Government 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 one arbitrator to be chosen by agreement between the parties. Should the parties fail to agree, the arbitrator, at the request of the Organisation or of the Government,

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 22

Entry into Force and Termination

- (1) The Agreement shall enter into force on signature.
- (2) This Agreement may be terminated by agreement between the Organisation and the Government. In the event of the Headquarters of the Organisation 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 Organisation in the United Kingdom.
- (3) The Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Maritime Satellite Organisation done at London on the 25th day of February 1980¹ is hereby terminated.

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

Done at London this 15th day of April 1999.

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

SYMONS OF VERNHAM

For the International Mobile Satellite
Organisation:

VONAU

¹Treaty Series No. 44 (1980), Cmnd 7917.



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