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CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES*

WHEREAS the General Assembly of the United Nations adopted on 13 February 1946 a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various specialized agencies; and

WHEREAS consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialized agencies;

CONSEQUENTLY, by resolution 179(II) adopted on 21 November 1947, the General Assembly has approved the following Convention, which is submitted to the specialized agencies for acceptance and to every Member of the United Nations and to every other State member of one or more of the specialized agencies for accession.

Article I
Definitions and scope

Section 1
In this Convention:

(i) The words standard clauses refer to the provisions of articles II to IX.

(ii) The words specialized agencies mean:

(a) The International Labour Organization;

(b) The Food and Agriculture Organization of the United Nations;

(c) The United Nations Educational, Scientific and Cultural Organization;

* Includes Annex XII applicable to the International Maritime Organization.
(d) The International Civil Aviation Organization;
(e) The International Monetary Fund;
(f) The International Bank for Reconstruction and Development;
(g) The World Health Organization;
(h) The Universal Postal Union;
(i) The International Telecommunication Union; and
(j) Any other agency in relationship with the United Nations in accordance with Articles 57 and 63 of the Charter.

(iii) The word *Convention* means, in relation to any particular specialized agency, the standard clauses as modified by the final (or revised) text of the annex transmitted by that agency in accordance with sections 36 and 38.

(iv) For the purposes of article III, the words *property and assets* shall also include property and funds administered by a specialized agency in furtherance of its constitutional functions.

(v) For the purposes of articles V and VII, the expression *representatives of members* shall be deemed to include all representatives, alternates, advisers, technical experts and secretaries of delegations.

(vi) In sections 13, 14, 15 and 25, the expression *meetings convened by a specialized agency* means meetings: (1) of its assembly and of its executive body (however designated), and (2) of any commission provided for in its constitution; (3) of any international conference convened by it; and (4) of any committee of any of these bodies.

(vii) The term *executive head* means the principal executive official of the specialized agency in question, whether designated “Director-General” or otherwise.

**Section 2**

Each State party to this Convention in respect of any specialized agency to which this Convention has become applicable in accordance with section 37 shall accord to, or in connection with, that agency the privileges and immunities set forth in the standard clauses on the conditions specified therein, subject to any modification of those clauses contained in the provisions of the final (or revised) annex relating to that agency and transmitted in accordance with sections 36 or 38.
Article II

*Juridical personality*

Section 3

The specialized agencies shall possess juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, (c) to institute legal proceedings.

Article III

*Property, funds and assets*

Section 4

The specialized agencies, their property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 5

The premises of the specialized agencies shall be inviolable. The property and assets of the specialized agencies, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 6

The archives of the specialized agencies, and in general all documents belonging to them or held by them, shall be inviolable, wherever located.

Section 7

Without being restricted by financial controls, regulations or moratoria of any kind:

(a) The specialized agencies may hold funds, gold or currency of any kind and operate accounts in any currency;
(b) The specialized agencies may freely transfer their funds, gold or currency from one country to another or within any country and convert any currency held by them into any other currency.

Section 8

Each specialized agency shall, in exercising its rights under section 7 above, pay due regard to any representations made by the Government of any State party to this Convention in so far as it is considered that effect can be given to such representations without detriment to the interests of the agency.

Section 9

The specialized agencies, their assets, income and other property shall be:

(a) Exempt from all direct taxes; it is understood, however, that the specialized agencies will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the specialized agencies for their official use; it is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed to with the Government of that country;

(c) Exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications.

Section 10

While the specialized agencies will not, as a general rule, 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 specialized agencies are making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Convention will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.
Article IV  
Facilities in respect of communications

Section 11

Each specialized agency shall enjoy, in the territory of each State party to this Convention in respect of that agency, for its official communications, treatment not less favourable than that accorded by the Government of such State to any other Government, including the latter’s diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

Section 12

No censorship shall be applied to the official correspondence and other official communications of the specialized agencies.

The specialized agencies shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Convention and a specialized agency.

Article V  
Representatives of members

Section 13

Representatives of members at meetings convened by a specialized agency shall, while exercising their functions and during their journeys to and from the place of meeting, 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 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 the State which they are visiting or through which they are passing in the exercise of their functions;

(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 comparable rank of diplomatic missions.

Section 14
In order to secure for the representatives of members of the specialized agencies at meetings convened by them complete freedom of speech and complete 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 discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 15
Where the incidence of any form of taxation depends upon residence, periods during which the representatives of members of the specialized agencies at meetings convened by them are present in a member State for the discharge of their duties shall not be considered as periods of residence.

Section 16
Privileges and immunities are accorded to the representatives of members, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the specialized agencies. 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 where it can be waived without prejudice to the purpose for which the immunity is accorded.
Section 17

The provisions of sections 13, 14 and 15 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

Article VI

Officials

Section 18

Each specialized agency will specify the categories of officials to which the provisions of this article and of article VIII shall apply. It shall communicate them to the Governments of all States Parties to this Convention in respect of that agency and to the Secretary-General of the United Nations. The names of the officials included in these categories shall from time to time be made known to the above-mentioned Governments.

Section 19

Officials of the specialized agencies shall:

(a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agencies and on the same conditions as are enjoyed by officials of the United Nations;

(c) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(d) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;

* By resolution A.10(l) adopted on 16 January 1959 the Assembly approved “the granting of the privileges and immunities referred to in articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies to all officials of the Organization, with the exception of those who are recruited locally and assigned to hourly rates.”
(e) 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;

(f) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 20

The officials of the specialized agencies shall be exempt from national service obligations, provided that, in relation to the States of which they are nationals, such exemption shall be confined to officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the executive head of the specialized agency and approved by the State concerned.

Should other officials of specialized agencies be called up for national service, the State concerned shall, at the request of the specialized agency concerned, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Section 21

In addition to the immunities and privileges specified in sections 19 and 20, the executive head of each specialized agency, including any official acting on his behalf during his absence from duty, 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 22

Privileges and immunities are granted to officials in the interests of the specialized agencies only and not for personal benefit of the individuals themselves. Each specialized agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialized agency.
Section 23

Each specialized agency shall cooperate at all times with the appropriate authorities of member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities mentioned in this article.

Article VII

Abuses of privilege

Section 24

If any State party to this Convention considers that there has been an abuse of a privilege or immunity conferred by this Convention, consultations shall be held between that State and the specialized agency concerned to determine whether any such abuse has occurred, and if so, to attempt to ensure that no repetition occurs.

If such consultations fail to achieve a result satisfactory to the State and the specialized agency concerned, the question whether an abuse of a privilege or immunity has occurred shall be submitted to the International Court of Justice in accordance with section 32. If the International Court of Justice finds that such an abuse has occurred, the State party to this Convention affected by such abuse shall have the right, after notification to the specialized agency in question, to withhold from the specialized agency concerned the benefits of the privilege or immunity so abused.

Section 25

1 Representatives of members at meetings convened by specialized agencies, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 18, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country provided that:
Representatives of members, or persons who are entitled to diplomatic immunity under section 21, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.

In the case of an official to whom section 21 is not applicable, no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the executive head of the specialized agency concerned; and, if expulsion proceedings are taken against an official, the executive head of the specialized agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

Article VIII
Laissez-passer

Section 26
Officials of the specialized agencies shall be entitled to use the United Nations laissez-passer in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies, to which agencies special powers to issue laissez-passer may be delegated. The Secretary-General of the United Nations shall notify each State party to this Convention of each administrative arrangement so concluded.

Section 27
States Parties to this Convention shall recognize and accept the United Nations laissez-passer issued to officials of the specialized agencies as valid travel documents.

Section 28
Applications for visas, where required, from officials of specialized agencies holding United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of a specialized agency, shall be
dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 29

Similar facilities to those specified in section 28 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passer, have a certificate that they are travelling on the business of a specialized agency.

Section 30

The executive heads, assistant executive heads, heads of departments and other officials of a rank not lower than head of department of the specialized agencies, travelling on United Nations laissez-passer on the business of the specialized agencies, shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

Article IX

Settlement of disputes

Section 31

Each specialized agency shall make provision for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other disputes of private character to which the specialized agency is a Party;

(b) Disputes involving any official of a specialized agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of section 22.

Section 32

All differences arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice unless in any case it is agreed by the Parties to have recourse to another mode of settlement. If a difference arises between one of the specialized agencies on the one hand, and a member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with
Article 96 of the Charter and Article 65 of the Statute of the Court and the relevant provisions of the agreements concluded between the United Nations and the specialized agency concerned. The opinion given by the Court shall be accepted as decisive by the Parties.

Article X
Annexes and application to individual specialized agencies

Section 33

In their application to each specialized agency, the standard clauses shall operate subject to any modifications set forth in the final (or revised) text of the annex relating to that agency, as provided in sections 36 and 38.

Section 34

The provisions of the Convention in relation to any specialized agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instrument.

Section 35

Draft annexes I to IX are recommended to the specialized agencies named therein. In the case of any specialized agency not mentioned by name in section 1, the Secretary-General of the United Nations shall transmit to the agency a draft annex recommended by the Economic and Social Council.

Section 36

The final text of each annex shall be that approved by the specialized agency in question in accordance with its constitutional procedure. A copy of the annex as approved by each specialized agency shall be transmitted by the agency in question to the Secretary-General of the United Nations and shall thereupon replace the draft referred to in section 35.
Section 37

The present Convention becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex, and undertakes to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of section 32 which may be found necessary in order to make the final text of the annex consonant with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency. The Secretary-General shall communicate to all Members of the United Nations and to other States members of the specialized agencies certified copies of all annexes transmitted to him under this section and of revised annexes transmitted under section 38.

Section 38

If, after the transmission of a final annex under section 36, any specialized agency approves any amendments thereto in accordance with its constitutional procedure, a revised annex shall be transmitted by it to the Secretary-General of the United Nations.

Section 39

The provisions of this Convention shall in no way limit or prejudice the privileges and immunities which have been, or may hereafter be, accorded by any State to any specialized agency by reason of the location in the territory of that State of its headquarters or regional offices. This Convention shall not be deemed to prevent the conclusion between any State party thereto and any specialized agency of supplemental agreements adjusting the provisions of this Convention or extending or curtailing the privileges and immunities thereby granted.

Section 40

It is understood that the standard clauses, as modified by the final text of an annex sent by a specialized agency to the Secretary-General of the United Nations under section 36 (or any revised annex sent under section 38), will be consistent with the provisions of the constitutional instrument then in force of the agency in question, and that if any amendment to that instrument is necessary for the purpose of making the constitutional instrument so consistent, such amendment will have been brought into force in accordance
with the constitutional procedure of that agency before the final (or revised) annex is transmitted.

The Convention shall not itself operate so as to abrogate, or derogate from, any provisions of the constitutional instrument of any specialized agency or any rights or obligations which the agency may otherwise have, acquire, or assume.

**Article XI**

*Final provisions*

**Section 41**

Accession to this Convention by a Member of the United Nations and (subject to section 42) by any State member of a specialized agency shall be effected by deposit with the Secretary-General of the United Nations of an instrument of accession which shall take effect on the date of its deposit.

**Section 42**

Each specialized agency concerned shall communicate the text of this Convention together with the relevant annexes to those of its members which are not Members of the United Nations and shall invite them to accede thereto in respect of that agency by depositing an instrument of accession to this Convention in respect thereof either with the Secretary-General of the United Nations or with the executive head of the specialized agency.

**Section 43**

Each State party to this Convention shall indicate in its instrument of accession the specialized agency or agencies in respect of which it undertakes to apply the provisions of this Convention. Each State party to this Convention may by a subsequent written notification to the Secretary-General of the United Nations undertake to apply the provisions of this Convention to one or more further specialized agencies. This notification shall take effect on the date of its receipt by the Secretary-General.

**Section 44**

This Convention shall enter into force for each State party to this Convention in respect of a specialized agency when it has become applicable to that agency in accordance with section 37 and the State party has undertaken
Section 45

The Secretary-General of the United Nations shall inform all Members of the United Nations, as well as all members of the specialized agencies, and executive heads of the specialized agencies, of the deposit of each instrument of accession received under section 41 and of subsequent notifications received under section 43. The executive head of a specialized agency shall inform the Secretary-General of the United Nations and the members of the agency concerned of the deposit of any instrument of accession deposited with him under section 42.

Section 46

It is understood that, when an instrument of accession or a subsequent notification is deposited on behalf of any State, this State will be in a position under its own law to give effect to the terms of this Convention, as modified by the final texts of any annexes relating to the agencies covered by such accessions or notifications.

Section 47

1 Subject to the provisions of paragraphs 2 and 3 of this section, each State party to this Convention undertakes to apply this Convention in respect of each specialized agency covered by its accession or subsequent notification, until such time as a revised convention or annex shall have become applicable to that agency and the said State shall have accepted the revised convention or annex. In the case of a revised annex, the acceptance of States shall be by a notification addressed to the Secretary-General of the United Nations, which shall take effect on the date of its receipt by the Secretary-General.

2 Each State party to this Convention, however, which is not, or has ceased to be, a member of a specialized agency, may address a written notification to the Secretary-General of the United Nations and the executive head of the agency concerned to the effect that it intends to withhold from that agency the benefits of this Convention as from a specified date, which shall not be earlier than three months from the date of receipt of the notification.
3 Each State party to this Convention may withhold the benefit of this Convention from any specialized agency which ceases to be in relationship with the United Nations.

4 The Secretary-General of the United Nations shall inform all member States Parties to this Convention of any notification transmitted to him under the provisions of this section.

Section 48
At the request of one-third of the States Parties to this Convention, the Secretary-General of the United Nations will convene a conference with a view to its revision.

Section 49
The Secretary-General of the United Nations shall transmit copies of this Convention to each specialized agency and to the Government of each Member of the United Nations.

Annex XII

1 The privileges and immunities, exemptions and facilities referred to in article VI, section 21 of the standard clauses shall be accorded to the Secretary-General of the Organization, to the Deputy Secretary-General, to the Secretary of the Maritime Safety Committee and to the Directors of the Administrative Division, the Technical Cooperation Division, the Legal Affairs and External Relations Division, the Conference Division and the Marine Environment Division, provided that the provisions of this paragraph shall not require the Member in whose territory the Organization has its Headquarters to apply article VI, section 21 of the standard clauses to any person who is its national. If the Organization changes the titles of any of the Director posts at any time, the holders for the time being of such posts shall continue to be accorded the privileges and immunities, exemptions and facilities referred to in this paragraph.

2 (a) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including time spent on journeys in connection with service on such committees or missions:

(i) immunity from personal arrest or seizure of their personal baggage;

(ii) in respect to words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of or employed on missions for the Organization;

* The original text of Annex XII to the Convention was adopted by Assembly resolution A.10(l) on 16 January 1959 and was received by the Secretary-General of the United Nations on 12 February 1959; United Nations, Treaty Series, vol. 323, p. 364. The revised text of Annex XII was adopted by Council resolution C.37(XX) on 16 May 1968 and was received by the Secretary-General of the United Nations on 9 July 1968. It was registered with the Secretariat of the United Nations on 13 September 1968; United Nations, Treaty Series, vol. 645, p. 340. The second revised text of Annex XII was adopted by Assembly resolution A.908(22) on 22 November 2001 and was registered with the Secretariat of the United Nations on 8 April 2002, No. 521; United Nations, Treaty Series, vol. 2180, p. 3.
(iii) the same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions;

(iv) inviolability for all papers and documents relating to the work on which they are engaged for the Organization; and

(v) the right to use codes and to receive documents and correspondence by courier or in sealed dispatch bags for their communications with the International Maritime Organization.

In connection with section 2(a)(iv) and (v) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.

(b) Privileges and immunities are granted to such experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and duty to waive the immunity of any expert in any case where, in its opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization.

(Consolidated text, reflecting amendments made by Exchange of Notes in 1971, 1974, 1982, 1997 and 2002) †

THE INTERNATIONAL MARITIME ORGANIZATION and the Government of the United Kingdom of Great Britain and Northern Ireland;

CONSIDERING that the United Kingdom undertook on 4 November 1959 to apply to the Organization the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies ‡ of the United Nations, including its Annex XII;

CONSIDERING that the Assembly of the Organization by its resolution A.56(III), adopted on 23 October 1963, has envisaged the conclusion of a supplemental agreement or agreements based on accepted principles established in similar agreements concerning the United Nations, the specialized agencies and

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† The consolidated text of the amended Headquarters Agreement was prepared in cooperation with the United Kingdom Foreign and Commonwealth Office, as set out in annex 3 to Circular Letter No. 2440. For the purposes of this publication, the Secretariat has updated references to the Convention on the International Maritime Organization that have changed since then throughout the Agreement.

‡ See page 3.
the International Atomic Energy Agency, to ensure that the Organization’s legal status in the United Kingdom should be defined and the content of certain privileges, concessions and courtesies as well as the measures for their implementation should be formulated in detail;

HAVE AGREED as follows:

**Part I**

**Definitions and interpretation**

**Article 1**

In this Agreement:

(a) *the IMO Convention* means the Convention on the International Maritime Organization opened for signature at Geneva on 6 March 1948;*

(b) *the Convention* means the Convention on the Privileges and Immunities of the Specialized Agencies† of the United Nations adopted by the General Assembly of the United Nations on 21 November 1947, including its Annex XII, the text of which was received by the Secretary-General of the United Nations on 12 February 1959, and any subsequent revision of that Annex approved by the Organization and acceded to by the United Kingdom;

(c) *Organization* means the International Maritime Organization;

(d) *Government* means the Government of the United Kingdom of Great Britain and Northern Ireland;

(e) *Secretary-General* means the Secretary-General of the Organization and, during his absence from duty, the Deputy Secretary-General and, in the absence of both, any other official specially designated to act on his behalf;

(f) *appropriate authorities* means the national, regional or local authorities of the United Kingdom, as the context may require, in accordance with the laws, regulations and customs of the United Kingdom;

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* See Basic Documents, Volume I.
† See page 3.
Headquarters Agreement

(g) law of the United Kingdom includes Acts of Parliament, Orders in Council and all subordinate legislation;

(h) emoluments means all sums in respect of employment by the Organization paid to, vested in or accruing to an official’s benefit in any form whatsoever;

(i) Headquarters of the Organization means the headquarters referred to in Article 63(a) of the IMO Convention;

(j) premises of the Organization means land, buildings and parts of buildings normally occupied by the Organization for the fulfilment of its official functions;

(k) Member means a Member of the Organization as defined in the IMO Convention;

(l) representatives of Members means heads of delegations of Members, participating in meetings convened by the Organization;

(m) members of delegations means representatives, alternates, advisers, technical experts and secretaries of delegations, participating in meetings convened by the Organization;

(n) meetings convened by the Organization means sessions of the Assembly, Council, and Maritime Safety Committee, and conferences or other gatherings convened by the Organization including those of any committee, sub-committee, group of experts or other subordinate body established by any of these bodies;

(o) officials means the Secretary-General, and persons in the categories specified under article VI, section 18 of the Convention, with the exception of those recruited locally and assigned to hourly rates;

(p) senior officials means all officials designated by the Secretary-General as possessing a rank equivalent to that of a diplomatic agent and recognized as such by the Government.

Article 2

1 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.

* See Basic Documents, Volume I.
To the extent that they deal with the same subject matter, this Agreement and the Convention or any treaty conferring immunities and privileges upon the Organization shall be complementary, but in cases of adjustment of the provisions of the Convention or the grant of privileges and immunities not previously accorded, the present Agreement shall be interpreted in the light of the Parties’ intention to supplement the Convention in accordance with its article X, section 39.

Part II
Premises of the Organization

Article 3

1 For the purpose of article III of the Convention, but not as a condition of its application, the location of the premises and the archives of the Organization shall be made known to the appropriate authorities by the Secretary-General who shall also inform the appropriate authorities of any change in the location or extent of such premises or archives and of any temporary occupation of premises for the fulfilment of its official functions. Where premises are temporarily used or occupied by the Organization for the fulfilment of its official functions, these premises shall, with the agreement of the appropriate authorities, be accorded the status of premises of the Organization.

2 The Government undertake to assist the Organization in the acquisition of premises by gift, purchase or lease or the hire of premises at such time as they may be needed.

3 The inviolability conferred by article III, section 6, of the Convention extends to all archives, correspondence, documents, manuscripts, photographs, films and recordings belonging to or held by the Organization and to all information contained therein.

4 The immunity conferred by article III, section 5, of the Convention extends to the means of transport of the Organization. Means of transport which the Organization hires or borrows shall be immune from search, requisition, confiscation or expropriation. The Organization shall identify as such means of transport being used for official purposes.

5 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 any interruption or threatened interruption to any such
services, the Government shall consider the needs of the Organization as being of equal importance with those of diplomatic missions and shall accordingly take all reasonable steps to ensure that the Organization is not prejudiced.

6. Any preferential rates or tariffs which may be granted to diplomatic missions in the United Kingdom for supplies of services mentioned in paragraph 5 of this article shall, subject to paragraph 2 of article 8 of this Agreement, also be accorded to the Organization.

Article 4

The Organization shall be entitled to display its flag and emblem, or the flag and emblem of the United Nations, on the premises and means of transport of the Organization and of the Secretary-General.

Article 5

The Government are under a special duty to take all appropriate steps to protect the premises of the Organization against any intrusion or damage and to prevent any disturbance of the peace of the Organization or impairment of its dignity.

Article 6

1. The premises of the Organization shall be under the control and authority of the Organization which may establish any regulations necessary for the execution of its functions therein.

2. Except as otherwise provided in this Agreement, or in the Convention, the law of the United Kingdom shall apply within the premises of the Organization, provided that the Organization may establish any regulations necessary for the execution of its functions including rules of international administrative law and the terms of contracts of employment governed by that law. These regulations shall be operative within the premises of the Organization, and no law of the United Kingdom which is inconsistent shall be enforceable within those premises. Any dispute between the Organization and the Government as to whether a regulation of the former is authorized by this paragraph or as to whether a law of the United Kingdom is inconsistent with any regulation authorized by this paragraph shall be promptly settled as provided in article 17 of this Agreement.
3. No official of the Government or person exercising any public authority, whether administrative, judicial, military or police, shall enter the premises of the Organization except with the express consent of and under conditions approved by the Secretary-General. No service or execution of any legal process whatsoever, irrespective of whether the Organization is named as defendant, or any ancillary act such as the seizure of private property, shall take place within the premises of the Organization except with the express consent of and under conditions approved by the Secretary-General.

4. Without prejudice to the terms of this Agreement, the Organization shall not permit the premises of the Organization to become a refuge from justice for persons who are avoiding arrest or service of legal process under the law of the United Kingdom or against whom an order of extradition or deportation has been issued by the appropriate authorities.

5. Nothing in this Agreement shall prevent the reasonable application by the appropriate authorities of measures for the protection of the premises of the Organization against fire.

Part III
Access and communications

Article 7

1. The appropriate authorities shall impose no impediment to the transit to and from the premises of the Organization of persons having official business at those premises.

2. The Government undertake to authorize the entry into the United Kingdom without delay and without charge for visas of the following persons for the term of their business with the Organization:

   (a) representatives of Members;
   (b) members of delegations;
   (c) officials designated by Members to represent them in accordance with Article 55 of the IMO Convention;*
   (d) officials as defined in article 1(o) of this Agreement;

* See Basic Documents, Volume I.
(e) officials of the United Nations and its organs, the specialized agencies and the International Atomic Energy Agency;

(f) experts referred to in Annex XII to the Convention;

(g) members of the families of the above-mentioned persons forming part of their respective households; and

(h) persons invited to the Headquarters of the Organization at the direction of the Assembly or the Council.

3 The provisions of the preceding paragraphs shall be applicable irrespective of the relations existing between the Governments of the persons referred to and the Government of the United Kingdom and are without prejudice to any special immunities to which such persons may be entitled. They shall not prevent the requirement of reasonable evidence to establish that persons claiming the aforementioned rights come within the classes described, nor the reasonable application of international quarantine and public health regulations.

4 The Secretary-General shall as far as possible inform the Government in advance of their arrival in the United Kingdom of the names of persons within the categories set out in paragraph 2 of this article to assist the Government to implement the provisions of this article and of article 14 as well as of article V of the Convention.

Article 8

1 The Government shall permit and protect unrestricted communication on the part of the Organization for all official purposes. The Organization may employ all appropriate means of communication, including couriers and messages in code or cipher. However, the Organization may install and use a wireless transmitter only with the consent of the appropriate authorities. Subject to these qualifications the Organization may employ the United Nations telecommunications network in accordance with limitations prescribed by the International Telecommunication Convention.

2 The Organization is recognized to enjoy the treatment provided in article IV, section 11, of the Convention in respect of its official communications to the extent that such treatment is compatible with any other international conventions, regulations and arrangements to which the Government are a Party.
3 Sealed bags containing documents or articles intended for official use and bearing external marks of their character shall in particular be accorded the immunity of article III of the Convention and shall not be detained.

4 A courier shall be provided with an official document indicating his status and the number of packages constituting the sealed bag. The appropriate authorities shall assist him in the performance of his functions, in which he shall enjoy personal inviolability and shall not be liable to any form of arrest and detention.

5 A sealed bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier. The Organization may send an official who shall be considered to be a courier to take possession of the bag directly from the captain of the aircraft.

Part IV

Financial

Article 9

1 Without prejudice to the exemptions accorded by article III, sections 9 and 10, of the Convention and without any limitation of these exemptions, the Organization shall be exempt from:

(a) income tax;
(b) capital gains tax;
(c) corporation tax;
(d) car tax and value added tax in respect of new motor cars of United Kingdom manufacture purchased for the official use of the Organization;
(e) value added tax on the supply of goods or services for the official use of the Organization;
(f) municipal rates levied on the premises of the Organization except the proportion which, as in the case of diplomatic missions, represents payment for specific services rendered;
(g) customs duty on hydrocarbon oils for the official use of the Organization; and
(h) excise duty on spirits of United Kingdom origin purchased in the United Kingdom for the purpose of official entertainment.

2 The exemption conferred by article III, section 9(b), of the Convention extends to customs duties and any taxes or charges imposed upon or by reason of importation and the procedures in connection therewith excepting charges for storage, cartage and similar services; the certification by the Organization that any import or export is for its official use shall be accepted as conclusive.

3 The exemptions provided for in paragraph 1(e) of this article and in article III, section 10, of the Convention shall be accorded by way of a refund of the tax element in the price paid by the Organization for purchases for its official use. In this connection, the purchases or services envisaged are those made on a recurring basis or involving considerable quantities of goods, commodities or materials, or those involving considerable expenditure such as the furnishing of the premises of the Organization or the principal residences of the Secretary-General or the Deputy Secretary-General or the Secretary of the Maritime Safety Committee or the Directors of the Administrative Division, the Technical Cooperation Division, the Legal Affairs and External Relations Division, the Conference Division or the Marine Environment Division. The municipal rates referred to in paragraph 1(f) of this article shall in the first instance be paid by the appropriate authorities and the proportion which represents payment for specific services rendered shall be recovered by them from the Organization. If the Organization changes the titles of any of the aforementioned Director posts at any time, this paragraph shall continue to apply to the holders for the time being of such posts.

4 The exemption provided for in paragraph 1(h) of this article shall be accorded to the extent that such exemption is accorded to diplomatic missions and by way of a refund of the duty element included in the price of the spirits. A certificate by the Secretary-General that any purchase is for the purpose of official entertainment shall be accepted as conclusive.

5 In the event of the introduction of taxes other than those referred to in this article, the Organization and the Government shall determine the applicability of the Convention to such taxes.

Article 9 bis

The Organization shall be accorded a refund of Insurance Premium Tax and Air Passenger Duty paid by the Organization in the exercise of its official activities.
Article 10

1. The Secretary-General, the Deputy Secretary-General, the Secretary of the Maritime Safety Committee and the Directors of the Administrative Division, the Technical Cooperation Division, the Legal Affairs and External Relations Division, the Conference Division and the Marine Environment Division shall be exempt from income tax on their emoluments as defined in article 1(h) of this Agreement. The Secretary-General, the Deputy Secretary-General, the Secretary of the Maritime Safety Committee and the Directors of the Administrative Division, the Technical Cooperation Division, the Legal Affairs and External Relations Division, the Conference Division and the Marine Environment Division, and members of their families forming part of their respective households, provided that, without prejudice to Annex XII of the Convention as accepted by the United Kingdom, they are not British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) nor permanently resident in the United Kingdom, shall be exempt from:

(a) tax on income arising outside the United Kingdom;

(b) capital gains tax other than that imposed on immovable property (not occupied by them as a principal residence) in the United Kingdom or investments in commercial undertakings in the United Kingdom;

(c) that proportion of council tax payable in respect of property occupied by them as a principal residence which does not represent payment for specific services rendered;

(d) car tax and value added tax in respect of the purchase of new motor cars of United Kingdom manufacture;

(e) any tax, fee or duty in respect of dogs and game;

(f) customs duty in respect of hydrocarbon oils;

(g) vehicle excise duty.

The Secretary-General, provided that he is not a British citizen, British overseas territories citizen, British Overseas citizen, or British National (Overseas) nor permanently resident in the United Kingdom, shall be exempt, to the extent that such exemption is accorded to the head of a diplomatic mission, from value added tax on the supply of fine quality goods of United Kingdom manufacture purchased on a substantial scale for the furnishing of his principal residence. If the Organization changes the titles of any of the aforementioned Director posts at any time, this paragraph shall continue to apply to the holders for the time being of such posts.
2 All senior officials shall be exempt from income tax on their emoluments. Provided that they are not British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) and are not permanently resident in the United Kingdom, senior officials shall be exempt from the taxes listed in subparagraphs (a) to (g) of paragraph 1 of this article.

3 All officials shall be exempt from income tax on their emoluments. Provided that they are not British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) and are not permanently resident in the United Kingdom, officials shall be exempt from the taxes listed in subparagraphs (d) (provided the car is ordered within a reasonable period of first entry of the official) and (e) of paragraph 1 of this article.

4 The council tax referred to in paragraph 1(c) of this article shall in the first instance be paid by the appropriate authorities and the proportion which represents payment for specific services rendered shall be recovered by them through the channels of the Organization. The exemption provided for in paragraph 1(d) of this article shall be accorded to the extent and by procedures applicable to diplomatic agents.

Article 11

1 Officials shall, with respect to services rendered for the Organization, if they are not British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) or permanently resident in the United Kingdom, be exempt from the provisions of any social security scheme established by the law of the United Kingdom.

2 The exemptions provided for in this article shall not preclude voluntary participation in any social security scheme in the United Kingdom, provided that such participation is permitted by the law.

Article 12

1 Provided that they are not British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) nor permanently resident in the United Kingdom, the Secretary-General, the Deputy Secretary-General, the Secretary of the Maritime Safety Committee and the Directors of the Administrative Division, the Technical Cooperation Division, the Legal Affairs and External Relations Division, the Conference Division and the Marine Environment Division shall be exempt from
all customs duties, car tax, value added tax and similar charges or levies (excepting charges for storage, cartage and similar services) imposed upon or by reason of the importation of articles (including motor cars) for their personal use or the use of members of their families forming part of their households or for their establishment. If the Organization changes the titles of any of the aforementioned Director posts at any time, this paragraph shall continue to apply to the holders for the time being of such posts.

2 Provided that they are neither British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) nor permanently resident in the United Kingdom, senior officials shall be accorded the exemption described in paragraph 1 of this article.

3 Officials and members of their families forming part of their respective households shall be exempt from all customs duties, car tax, value added tax and similar charges or levies (excepting charges for storage, cartage and similar services) imposed upon or by reason of the importation of articles (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 at the time of first taking up their post in the United Kingdom. Such articles shall normally be imported within a reasonable period of first entry of such persons into the United Kingdom. Officials (other than British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) or permanent residents of the United Kingdom) who are entitled to import a motor car under this concession but do not do so shall be given relief from car tax and value added tax in respect of the purchase of a new motor car of United Kingdom manufacture (to the extent that such relief is given to members of the administrative and technical staff of diplomatic missions) provided the car is ordered within a reasonable period of first entry of the official. Relief from car tax, value added tax and customs duties on the purchase or import of a replacement car will be allowed in cases where the appropriate authorities are satisfied that this is justified by the condition of the car being replaced.

Article 13

1 In implementation of the financial provisions of article III, section 7, of the Convention, the Organization shall be treated as non-resident for the purposes of the Exchange Control Act, 1947, and may accordingly hold its funds in the form of gold or in any currency and in any country. Any of the gold or currency or bank balances held in the United Kingdom may be freely transferred within the United Kingdom or to any other country. The Organization shall not require exchange control consent to use its funds
for the purposes of investment either in the United Kingdom or elsewhere, and may also borrow funds freely from countries outside the Scheduled Territories (Sterling Area).

2 In accordance with article V, section 13(e) of the Convention a representative of a Member of the Organization shall be entitled to the treatment in matters of exchange control which is accorded to a diplomatic agent in the United Kingdom of the State which he represents. Where diplomatic relations with such a State do not exist or have been broken off, the treatment shall be no less than that accorded to a diplomatic agent of any third State inside or outside the Scheduled Territories, as appropriate.

3 In accordance with article VI, section 19(d) of the Convention, an official of the Organization shall be permitted by the appropriate authorities to receive and hold his official emoluments in an account denominated in any currency and shall in addition 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 he was resident for exchange control purposes when appointed an official. Where diplomatic relations with such a State do not exist or have been broken off, the treatment shall be no less than that accorded to a diplomatic agent of any third State inside or outside the Scheduled Territories, as appropriate.

4 The Government shall not levy estate duty, or capital gains tax (on a deemed disposal of property by the deceased on the occasion of death), on or in respect of movable property of senior officials and members of their families forming part of their households, provided that in either case they were not British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) or permanent residents of the United Kingdom at the time of death and provided that the presence of the property in the United Kingdom was due solely to the presence of the deceased as a senior official of the Organization or as a member of the family of a senior official. The Government shall impose no impediment to the repatriation of the movable property of a deceased senior official or member of his family with the exception of property whose export was prohibited at the time of death.
Part IV bis
Permanent Representatives

Article 13 bis

1 Every person designated by a Member of the Organization as its Permanent Representative or acting Permanent Representative and the resident members of its mission of diplomatic rank shall enjoy, for the term of their business with the Organization, the privileges and immunities set out in article V, section 13 of the Convention.

2 In addition they shall enjoy, for the term of their business with the Organization:

   (a) the same exemption or relief from taxes including council tax and the same exemption from duties and taxes on the importation of goods imported for their personal use or for that of members of their families forming part of their household, including articles intended for their establishment, as are accorded to a diplomatic agent;

   (b) a refund of duty and value added tax on the importation of hydrocarbon oils purchased by them or on their behalf for their personal use or for that of members of their families forming part of their household;

   (c) exemption from the provisions of any social security scheme established by the law of the United Kingdom; and

   (d) in respect of members of their families forming part of their respective households, exemption from registration formalities for the purpose of immigration control, and exemption from any national service obligations which may be imposed.

2A In addition to the immunities and privileges specified in paragraphs (1) and (2) of this article, the Permanent Representative and acting Permanent Representative shall enjoy, in respect of themselves and members of their families forming part of their households, for the term of their business with the Organization, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

3 The provisions of article V, sections 14 and 16, and of article VII, section 25 of the Convention shall apply to the persons mentioned in paragraph (1) of this article. Following completion of the procedures laid down by section 25 in respect of any person, the privileges and immunities
of that person shall cease on expiry of a reasonable time in which to leave the United Kingdom.

4 The Government shall be notified by the Secretary-General, in accordance with the procedure established by the Council,* of the appointment of a Permanent Representative or an acting Permanent Representative and of each member of the mission. Paragraphs (1) to (3) of this article shall not apply to any person unless and until his name and status are duly notified to the Government.

5 Paragraphs (1) to (3) of this article shall not apply to any representative of the United Kingdom or to any British citizen, British overseas territories citizen, British Overseas citizen, or British National (Overseas). Paragraphs (2) and (2A) shall not apply to any person who is permanently resident in the United Kingdom; paragraphs (1) and (2A) shall only apply to a person so resident while exercising his official functions.

6 This article shall not prejudice the privileges and immunities to which representatives of Members may be entitled otherwise than under the provisions of this article.

Part V
Identification

Article 14

1 Any official of the Organization who presents a valid United Nations laissez-passer issued in accordance with article VIII, section 26, of the Convention and identifying him as an official of the Organization shall, subject to paragraph 3 of article 7 of this Agreement, be immune from United Kingdom immigration restrictions and requirements and from alien registration. Members of the family forming part of the official’s household who travel with him and present satisfactory evidence of identity shall be similarly treated. No such official shall require a visa for entry into the United Kingdom.

2 Officials who do not present a United Nations laissez-passer shall not be exempt from the laws and regulations of the Government regarding passports and visas. They shall, however, subject to paragraph 3 of article 7 of

* See annex on page 39.
this Agreement, be immune from immigration restrictions and requirements and from alien registration provided that:

(a) they produce a valid travel document, or

(b) they produce evidence of their official capacity issued either by their Government or by the Organization, or the appropriate authorities are notified of their arrival.

3 The persons described in paragraph 2 of article 7 of this Agreement shall, subject to paragraph 3 of that article, be immune from immigration restrictions and requirements and from alien registration provided that:

(a) they produce a valid travel document, and

(b) they produce evidence of their official capacity issued either by their Government or by the Organization, or the appropriate authorities are notified of their arrival.

Article 15

1 The Secretary-General shall from time to time send to the Government a list of all officials, indicating in each case the appropriate staff category as defined in article 1 of this Agreement and whether the individual is a British citizen, British overseas territories citizen, British Overseas citizen, or British National (Overseas) or permanently resident in the United Kingdom. The Secretary-General may inform the Government of the appointment of officials individually for addition to the list.

2 The Government shall issue to all officials on notification of their appointment, a card bearing the photograph of the holder and identifying him as an official. This card shall be accepted by the appropriate authorities as evidence of identity and appointment.

Part VI

General provisions

Article 16

At the request either of the Organization 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 Secretary-General and a duly authorized representative of the Government.

Article 17

Any dispute between the Organization and the Government concerning the interpretation or application of this Agreement or any question affecting the relations between the Organization and the Government 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 these arbitrators shall be chosen by the Secretary-General, one shall be chosen by Her Majesty’s Secretary of State 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 Organization or of the Government shall be chosen by the President of the International Court of Justice.

Article 18

1. This Agreement shall enter into force on signature.

2. This Agreement may be terminated by agreement between the Organization and the Government. In the event of the Headquarters of the Organization being moved from the territory of the United Kingdom by a decision of the Assembly in accordance with Article 63(b) of the IMO Convention*, this Agreement shall, after the period reasonably required for such transfer and for the disposal of the property of the Organization 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 28th day of November, 1968.†

* See Basic Documents, Volume I.
† This date is retained as the date on which the original Headquarters Agreement was signed. The present text consolidates amendments made by Exchange of Notes or by statutory changes in the United Kingdom since that time.
For the International Maritime Organization: 

COLIN GOAD 

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

FRED MULLEY
Annex
Amended procedure for the accreditation to IMO of Permanent Representatives and Members of the Permanent Missions of Member Governments

1 For the accreditation of a Permanent Representative to IMO the Member Government concerned shall make known in writing to the Secretary-General the name and rank of the person designated for that purpose.

2 (a) Where a Member Government wishes to accredit as Permanent Representative a person who is not already or will not be accredited to the Government of the United Kingdom, it shall inform the Secretary-General of the name and rank of such person before accreditation. The Secretary-General shall also be informed if the person nominated is a British citizen, British overseas territories citizen, British Overseas citizen, or British National (Overseas) or permanently resident in the United Kingdom.

(b) The Secretary-General shall inform the Government of the United Kingdom of the nomination and the Government may express its views thereon to the Secretary-General.

(c) Where the Government of the United Kingdom raises an objection to a person so nominated, consultations shall take place between the Secretary-General and the Government of the United Kingdom.

3 The credentials of a Permanent Representative must be issued either by the Head of State or the Head of Government or the Minister for Foreign Affairs and be addressed to the Secretary-General.

4 As soon as a Permanent Representative assumes functions, the Permanent Mission or diplomatic mission of the Member Government concerned will consult the Office of the Secretary-General in order to make the necessary arrangements for the presentation of credentials of the Permanent Representative to the Secretary-General. The Secretary-General will inform the Government of the United Kingdom of the presentation of credentials as soon as possible after such presentation.

5 For the accreditation of other members of the Permanent Mission, it is sufficient to address a letter to the Secretary-General signed by the Permanent Representative, referring to the instructions received from the
Government to this effect. In the case of persons who are not or will not be accredited to the Government of the United Kingdom and persons who are British citizens, British overseas territories citizens, British Overseas citizens, or British Nationals (Overseas) or permanently resident in the United Kingdom, the procedure described in paragraph 2 above shall be followed.

6 This Procedure shall also apply for the accreditation of a person designated as an acting Permanent Representative pending the appointment of, or during the absence or incapacity of, a Permanent Representative. An acting Permanent Representative shall, during the period of his or her appointment, be deemed to be a Permanent Representative in all respects for the purpose of article 13 bis of the Headquarters Agreement and this Procedure.
AGREEMENT BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL MARITIME ORGANIZATION AND PROTOCOL*

Preamble

Article 57 of the Charter of the United Nations (hereinafter called “the Charter”) provides that specialized agencies, established by intergovernmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health and related fields, shall be brought into relationship with the United Nations.

Part XVI of the Convention on the International Maritime Organization† provides that the International Maritime Organization (hereinafter called “the Organization”) shall be brought into relationship with the United Nations as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations.

Therefore the United Nations and the Organization agree as follows:

Article I

The United Nations recognizes the Organization as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

* The Agreement and the Protocol were concluded when the name of the Organization was Inter-Governmental Maritime Consultative Organization. In 1982, the name of the Organization was changed to International Maritime Organization through Assembly resolution A.358(IX). For the purposes of this publication, the Secretariat has updated the name of the Organization and the references to the Convention on the International Maritime Organization throughout the Agreement and the Protocol.

† See Basic Documents, Volume I.
Article II
Reciprocal representation

1 The United Nations shall be invited to send representatives to attend the meetings of the Assembly of the Organization, the Council, the Maritime Safety Committee, any subsidiary organs, and such conferences as the Organization may convene, and to participate, without vote, in the deliberations of these bodies.

2 The Organization shall be invited to send representatives to attend meetings of the Economic and Social Council of the United Nations and of its commissions and committees, and to participate, without vote, in the deliberations of these bodies with respect to items on their agenda relating to matters within the scope of the activities of the Organization.

3 The Organization shall be invited to send representatives to attend meetings of the General Assembly of the United Nations for purposes of consultation on matters within the scope of the activities of the Organization.

4 The Organization shall be invited to send representatives to attend meetings of the main committees of the General Assembly when matters within the scope of its activities are under discussion and to participate, without vote, in such discussions.

5 The Organization shall be invited to send representatives to attend the meetings of the Trusteeship Council and to participate, without vote, in the deliberations thereof with respect to items on the agenda relating to matters within the scope of its activities.

6 Written statements of the Organization shall be distributed by the Secretariat of the United Nations to the Members of the General Assembly, the Economic and Social Council and its commissions, and the Trusteeship Council as appropriate. Similarly, written statements presented by the United Nations shall be distributed as soon as possible by the Secretariat of the Organization to all Members of the Organization.

Article III
Proposal of agenda items

Subject to such preliminary consultation as may be necessary, the Organization shall include on the agenda of the Assembly, Council and the Maritime Safety Committee, items proposed to it by the United Nations. Similarly, the Economic and Social Council and its commissions and the Trusteeship Council shall include on their provisional agenda items proposed by the Assembly or Council.
Article IV

Recommendations of the United Nations

1 The Organization having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the functions and powers of the Economic and Social Council, under Article 62 of the Charter, to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the coordination of the policies and activities of such specialized agencies, agrees to arrange for the submission, as soon as possible, to the Assembly or the Council, as appropriate, of all formal recommendations which the United Nations may make to it.

2 The Organization agrees to enter into consultation with the United Nations upon request, with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Organization or by its Members, to give effect to such recommendations, or on the other results of their consideration.

3 The Organization affirms its intention of cooperating in whatever further measures may be necessary to make coordination of the policy and activities of specialized agencies and those of the United Nations fully effective. In particular, it agrees to participate in, and to cooperate with any bodies which the Economic and Social Council has established or may establish for the purpose of facilitating such coordination and to furnish such information as may be required for the carrying out of this purpose.

Article V

Exchange of information and documents

1 Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of appropriate information and documents shall be made between the United Nations and the Organization.

2 Without prejudice to the generality of the provisions of paragraph 1:

(a) The Organization agrees to transmit to the United Nations regular reports on the activities of the Organization and programmes of operation for each ensuing year;
(b) The Organization agrees to comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in article XV; and

(c) The Secretary-General of the United Nations shall, upon request, consult with the Secretary-General of the Organization regarding the provision to the Organization of such information as may be of special interest to the Organization.

Article VI
Assistance to the Security Council
The Organization agrees to cooperate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council may request, including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security.

Article VII
Assistance to the Trusteeship Council
The Organization agrees to cooperate with the Trusteeship Council in the carrying out of its functions and in particular agrees that it will, to the greatest extent possible, render such assistance as the Trusteeship Council may request in regard to matters with which the Organization is concerned.

Article VIII
Non-self-governing territories
The Organization agrees to cooperate within the limits of its functions with the United Nations in giving effect to the principles and obligations set forth in Chapter XI of the Charter of the United Nations with regard to matters affecting the well-being and development of the peoples of non-self-governing territories.

Article IX
Relations with the International Court of Justice
1 The Organization agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.
The General Assembly authorizes the Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities other than questions concerning the mutual relationships of the Organization and the United Nations or other specialized agencies.

Such request may be addressed to the Court by the Assembly, or by the Council acting in pursuance of an authorization by the Assembly.

When requesting the International Court of Justice to give an advisory opinion, the Organization shall inform the Economic and Social Council of the request.

Article X

Personnel arrangements

The United Nations and the Organization recognize that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative coordination, and, with this end in view, agree to develop common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

The United Nations and the Organization agree to cooperate to the fullest extent possible in achieving these ends and in particular they agree to:

(a) Participate in the International Civil Service Advisory Board established for the purpose of contributing to the improvement of recruitment and related phases of personnel administration in all of the international organizations;

(b) Consult together concerning other matters relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules with a view to securing as much uniformity in these matters as shall be found practicable;

(c) Cooperate in the interchange of personnel, when desirable, on a temporary or permanent basis, making due provision for the retention of seniority and pension rights;
Cooperate in the establishment and operation of suitable machinery for the settlement of disputes arising in connection with the employment of personnel and related matters.

**Article XI**

*Statistical services*

1. The United Nations and the Organization agree to strive for maximum cooperation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burdens placed upon national Governments and other organizations from which such information may be collected.

2. The Organization recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the Organization as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world.

4. The United Nations shall, in consultation with the Organization and other specialized agencies, develop administrative instruments and procedures through which effective statistical cooperation may be secured between the United Nations, the Organization and other agencies brought into relationship with it.

5. It is recognized as desirable that the collection of statistical information should not be duplicated by the United Nations or any of the specialized agencies whenever it is practicable for any of them to utilize information or materials which another may have available.

6. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the Organization for incorporation in its basic statistical series or special reports should, so far as practicable, be made available to the United Nations on request.
Article XII
Administrative and technical services

1 The United Nations and the Organization recognize the desirability, in the interest of administrative and technical uniformity and of the most efficient use of personnel and resources, of avoiding, whenever possible, the establishment and operation of competitive or overlapping facilities and services among the United Nations and the specialized agencies.

2 Accordingly, the United Nations and the Organization agree to consult together concerning the establishment and use of common administrative and technical services and facilities in addition to those referred to in articles X, XI and XIII, in so far as the establishment and use of such services may from time to time be found practicable and appropriate.

3 Arrangements shall be made between the United Nations and the Organization in regard to the registration and deposit of official documents.

4 Officials of the Organization shall have the right to use the laissez-passer of the United Nations in accordance with special arrangements to be negotiated between the Secretary-General of the United Nations and the competent authorities of the Organization.

Article XIII
Budgetary and financial arrangements

1 The Organization recognizes the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and of the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of coordination and uniformity with respect to these operations shall be secured.

2 The United Nations and the Organization agree to cooperate to the fullest extent possible in achieving these ends and, in particular, shall consult together concerning the desirability of making appropriate arrangements for the inclusion of the budget of the Organization within a general budget of the United Nations. Any such arrangement shall be defined in a supplementary agreement between the two Organizations.

3 Pending the conclusion of any such agreement, the following arrangements shall govern budgetary and financial relationships between the United Nations and the Organization:

(a) In the preparation of the budget of the Organization the Secretariat of the Organization shall consult with the Secretary-General
of the United Nations with a view to achieving, in so far as practicable, uniformity in presentation of the budgets of the United Nations and of the specialized agencies for the purpose of providing a basis for comparison of the several budgets.

(b) The Organization agrees to transmit its budget or budgetary estimates to the United Nations by 1 July of the preceding year or such other date as may be agreed upon by the United Nations and the Organization. The General Assembly shall examine the budget or budgetary estimates of the Organization and may make such recommendations as it may consider necessary.

(c) Representatives of the Organization shall be entitled to participate, without vote, in the deliberations of the General Assembly or any committee thereof or established by it at all times when the budget of the Organization or general administrative or financial questions affecting the Organization are under consideration.

(d) The United Nations may undertake the collection of contributions from those Members of the Organization which are also Members of the United Nations in accordance with such arrangements as may be defined by a later agreement between the United Nations and the Organization.

(e) The United Nations shall, upon its own initiative or upon the request of the Organization, arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organization and to other specialized agencies with a view to the provision of common services and the securing of uniformity in such matters.

(f) The Organization agrees to conform, as far as may be practicable, to standard practices and forms recommended by the United Nations.

Article XIV
Financing of special services

1 In the event of the Organization being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with articles V, VI, or VII, or with other provisions of this Agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.
Consultation between the United Nations and the Organization shall similarly take place with a view to making such arrangements as may be found equitable for covering the costs of central administrative, technical or fiscal services or facilities or other special assistance provided by the United Nations.

Article XV
Inter-agency agreements

The Organization agrees to inform the Economic and Social Council of the nature and scope of any formal agreement contemplated and to notify the Council of the conclusion of any formal agreement between the Organization and any other specialized agency, intergovernmental organization, or non-governmental organization.

Article XVI
Liaison

1 The United Nations and the Organization agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two Organizations. They affirm their intention of taking whatever further measures may be necessary to make this liaison fully effective.

2 The liaison arrangements provided for in the foregoing articles of this Agreement apply as far as appropriate to the relations between such branch or regional offices as may be established by the two Organizations as well as between their central machinery.

Article XVII
Implementation of the Agreement

The Secretary-General of the United Nations and the appropriate authority of the Organization may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable.

Article XVIII
Revision

This Agreement shall be subject to revision by agreement between the United Nations and the Organization.
Article XIX

Entry into force

This Agreement shall come into force on its approval by the General Assembly of the United Nations and the Assembly of the Organization.

Protocol concerning the entry into force of the Agreement between the United Nations and the International Maritime Organization

Article 57 of the Charter of the United Nations provides that the various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health and related fields, shall be brought into relationship with the United Nations. Article 63 of the Charter provides that the Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations, and specifies that such agreements shall be subject to approval by the General Assembly.

Article 64 of the Convention on the International Maritime Organization provides that the Organization shall be brought into relationship with the United Nations subject to the approval of the terms of the agreement by the Assembly.

On 10 March 1948, the Economic and Social Council, during its sixth session, authorized its Committee on Negotiations with Inter-Governmental Agencies to enter into negotiations at the appropriate time with the International Maritime Organization or its Preparatory Committee for the purpose of bringing the Organization into relationship with the United Nations.

Negotiations between the Chairman of the Committee on Negotiations with Inter-Governmental Agencies of the Economic and Social Council and authorized representatives of the Negotiating Committee of the Preparatory Committee of the International Maritime Organization took place on 10 August 1948 in Geneva and resulted in a draft agreement. This draft agreement was signed on 12 August 1948 by Mr. Walter Kotschnig, Chairman of the Committee on Negotiations with Inter-Governmental Agencies, and Mr. J.J. Oyevaar, Chairman of the Negotiating Committee of the Preparatory Committee of the International Maritime Organization.

* See Basic Documents, Volume I.
Article XIX of the draft agreement provides that the Agreement shall come into force on its approval by the General Assembly of the United Nations and the Assembly of the Organization.

On 27 August 1948, the Economic and Social Council, during its seventh session, recommended the draft agreement between the United Nations and the International Maritime Organization to the General Assembly for its approval.

The Agreement was approved by the General Assembly of the United Nations during its third regular session on 18 November 1948 and by the Assembly of the International Maritime Organization during its first regular session on 13 January 1959. The Agreement accordingly came into force on 13 January 1959.

A copy of the authentic text of the Agreement is attached hereto.

IN FAITH WHEREOF we have appended our signatures this 17th day of February one thousand nine hundred and fifty-nine to two original copies of the present Protocol, the text of which consists of versions in the English and French languages which are equally authentic. One of the original copies will be deposited with the Secretariat of the United Nations and the other will be deposited with the Secretariat of the International Maritime Organization.

DAG HAMMARSKJOLD
Secretary-General
of the United Nations

OVE NIELSEN
Secretary-General
of the International Maritime Organization

* Resolution A.7(I).
† The Agreement and the Protocol were filed and recorded by the Secretariat of the United Nations on 1 March 1959, No. 553; United Nations, Treaty Series, vol. 324, p. 273.
 AGREEMENT BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL MARITIME ORGANIZATION

extending the competence of the United Nations Appeals Tribunal to the International Maritime Organization with respect to applications alleging non-compliance with the terms of appointment or contracts of employment of staff members of the International Maritime Organization*

(Consolidated text prepared by the Secretariat reflecting amendments made in 2021.)

WHEREAS article 2, paragraph 10 of the Statute of the United Nations Appeals Tribunal provides inter alia that “The Appeals Tribunal shall be competent to hear and pass judgement on an application filed against a specialized agency brought into relationship with the United Nations in accordance with the provisions of Articles 57 and 63 of the Charter of the United Nations or other international organization or entity established by a treaty and participating in the common system of conditions of service, where a special agreement has been concluded between the agency, organization or entity concerned and the Secretary-General of the United Nations to accept the terms of the jurisdiction of the Appeals Tribunal, consonant with the present statute.”;

WHEREAS the International Maritime Organization is a specialized agency brought into relationship with the United Nations in accordance with the provisions of Articles 57 and 63 of the Charter of the United Nations and participating in the common system of conditions of service;

WHEREAS the International Maritime Organization utilizes a neutral first instance process that includes a written record and a written decision providing reasons, fact and law;

* The original Agreement was registered by the Secretariat of the United Nations on 12 February 2010, No. 1344; United Nations, Treaty Series, vol. 2650, p. 353. This consolidated text reflects amendments made by written consent of the Parties in accordance with article 5(3) of the Agreement and by mutual agreement of the Parties in accordance with article 3(4) of the Agreement, both of which took effect on 1 January 2021. The Amendment and the Agreement constitute the entire revised agreement between the Parties.
NOW, therefore, the International Maritime Organization and the United Nations, hereinafter referred as “Parties” where appropriate, have agreed as follows:

**Article 1**

As soon as feasible following the conclusion of this Agreement, the International Maritime Organization (hereinafter – “IMO” or “Organization”) shall promulgate amendments to its Staff Regulations recognizing the competence of the United Nations Appeals Tribunal (hereinafter – “Appeals Tribunal”).

**Article 2**

1 The Appeals Tribunal shall be competent, consonant with its Statute, to hear and pass judgment on an application filed against a decision rendered by the Organization’s neutral first instance process in which it is asserted that the neutral first instance process has:

   (a) exceeded its jurisdiction or competence;
   (b) failed to exercise jurisdiction vested in it;
   (c) erred on a question of law;
   (d) committed an error of procedure, such as to affect the decision of the case; or
   (e) erred on a question of fact, resulting in a manifestly unreasonable decision.

2 Such application may be filed by:

   (a) any staff member of the Organization directly affected by the decision;
   (b) any former staff member of the Organization directly affected by the decision;
   (c) any person making claims in the name of an incapacitated or deceased staff member of the Organization.

In addition, consonant with the Statute of the Appeals Tribunal, and as expressly authorized by the Fall 2020 Plenary of the Appeals Tribunal and so confirmed in writing by the Appeals Tribunal President on 5 December 2020, the Registry is to receive and accept an appeal filed by the head of an entity that has accepted the jurisdiction of the Appeals Tribunal under article 2(10) of its Statute against a decision issued by the entity’s first instance process.
3 In the event of a dispute as to whether the Appeals Tribunal has competence, the matter shall be settled by the decision of the Appeals Tribunal.

4 An application shall not be receivable by the Appeals Tribunal unless the staff member concerned has previously submitted the dispute to the neutral first instance process provided for in the IMO Staff Regulations and Staff Rules.

5 The Appeals Tribunal shall be competent to deal with an application notwithstanding that the cause of complaint may have arisen prior to the operative date of this Agreement. For the purposes of determining the receivability of an application pursuant to article 7 of the Statute of the Appeals Tribunal, an application shall be receivable if filed within 90 calendar days of receipt of the decision of the Organization’s neutral first instance process.

6 In the event that the Appeals Tribunal receives an application which the neutral first instance process considers devoid of merit or frivolous, the Appeals Tribunal may award costs against the applicant, in accordance with article 9, paragraph 2 of its Statute.

7 For the purposes of this Agreement, the reference to the Secretary-General contained in article 9, paragraph 5 of the Statute of the Appeals Tribunal shall be deemed to refer to the Secretary-General of the Organization.

Article 3

1 In accordance with article 10 of the Statute of the Appeals Tribunal, the judgments of the Tribunal shall be final and without appeal, subject to the provisions of article 11 of the Statute.

2 The Organization shall be bound by the judgments of the Appeals Tribunal and be responsible for the payment of any compensation awarded by the Appeals Tribunal in respect of its own staff members.

3 The Organization shall be responsible for the payment of a flat fee of US $16,778 per case. For an application for revision, interpretation, correction, execution, or a combination thereof, of a judgment issued by the Appeals Tribunal, a reduced flat fee of US $10,486 (62.5%) per case shall apply. These two fees will be charged by invoice at the time of submission of the application to the Appeals Tribunal. Where an application was filed to correct an error made by the Appeals Tribunal in the judgment, no fee shall apply. In addition, the Organization shall be responsible for the payment of US $600, by separate invoice, when the Appeals Tribunal issues an interlocutory order disposing of a procedural motion filed by a Party. Payment shall be made by the Organization in a single instalment within
thirty (30) days from the receipt of the invoice to the following United Nations Bank Account:

Bank Name: JP Morgan Chase Bank
International Agencies Banking

Bank Address: 4 New York Plaza, Floor 15
New York, NY 10004

Account Number: 485001985
Swift: CHASUS33
ABA: 021-000-021

Account Title: United Nations General Trust Fund
Beneficiary: UN Office of Administration of Justice
Currency: US Dollars

4 These fees shall be reviewed by the United Nations and may be adjusted hereafter every two years by mutual agreement of the Parties to ensure accurate reimbursement for the services rendered.

Article 4

1 The administrative arrangements necessary for the functioning of the Appeals Tribunal with respect to cases arising under this Agreement shall be made by the Secretary-General of the United Nations, in consultation with the Secretary-General of the Organization. Should the President of the Appeals Tribunal designate the Headquarters of the Organization as the place for convening a session of the Appeals Tribunal for the purpose of considering a case or a group of cases arising pursuant to this Agreement, the Organization shall provide the premises, arrangements and facilities for the session free of charge to the United Nations.

2 Expenses not already covered by the flat fee set out in article 3, paragraph 3 of this Agreement, which may be incurred in connection with the proceedings of the Appeals Tribunal specially required for dealing with cases arising under this Agreement, shall be borne by IMO. Such expenses would include the travel and related costs for IMO staff under article 5.1 of the Statute of the Tribunal, or for witnesses. Before incurring the additional expenses, the Registrar of the Appeals Tribunal shall inform the Secretary-General of IMO of an estimate of the additional expenses and reasons for incurring them as well as consult with IMO as to the possibility of alternative arrangements.
Article 5

1 The effective date of this Agreement shall be 1 July 2009. *

2 The Parties shall use their best efforts to settle amicably any dispute, controversy or claim arising out of this Agreement.

3 This Agreement may be amended by written consent of the Parties.

4 Each Party may terminate this Agreement by giving six months’ written notice.

This Agreement has been duly signed in duplicate on the date appearing under the signatures. †

For the United Nations: For the International Maritime Organization:

BAN KI-MOON E.E. MITROPOULOS
Secretary-General Secretary-General
8/2/2010 21/1/2010

* This is the effective date of the original Agreement. The effective date of the Agreement, as amended, is 1 January 2021.

† The Amendment to this Agreement was signed for the United Nations by Alayne Frankson-Wallace, Executive Director, Office of Administration of Justice on 8 March 2021; and for the International Maritime Organization by Frederick J. Kenney, Director, Legal Affairs and External Relations Division on 10 March 2021.
AGREEMENT BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL MARITIME ORGANIZATION FOR THE ADMISSION OF THE INTERNATIONAL MARITIME ORGANIZATION INTO THE UNITED NATIONS JOINT STAFF PENSION FUND *

WHEREAS Article XXVIII of the Regulations of the United Nations Joint Staff Pension Fund, approved by the General Assembly of the United Nations on 7 December 1948, provides that a specialized agency referred to in Article 57, paragraph 2, of the Charter shall become a member organization of the United Nations Joint Staff Pension Fund on its acceptance of these Regulations provided that agreement has been reached with the Secretary-General of the United Nations as to any payments necessary to be made by such specialized agency to the Pension Fund in respect of the new obligations incurred by the Fund through its admission and as to the other transitional arrangements which may be necessary, including the extent to which these Regulations are to be applicable to employees of the specialized agency at the time of admission to the Fund;

WHEREAS the Assembly of the International Maritime Organization has decided to accept the Regulations of the United Nations Joint Staff Pension Fund and to enter into the required agreements and whereas the Secretary-General of the International Maritime Organization has been authorized by the Assembly of that Organization to negotiate and sign the required agreements;

WHEREAS at its ninth session in September 1958 the United Nations Joint Staff Pension Board authorized its Standing Committee to submit on its behalf to the Secretary-General of the United Nations the observations required under Article XXVIII of the Regulations and whereas this agreement

* The Agreement was concluded when the name of the Organization was Inter-Governmental Maritime Consultative Organization. In 1982, the name of the Organization was changed to International Maritime Organization through Assembly resolution A.358(IX). For the purposes of this publication, the Secretariat has changed the name to International Maritime Organization throughout the Agreement.
has been communicated to the Standing Committee of the United Nations Joint Staff Pension Board by the representatives of the Secretary-General on that Committee for observations prior to its conclusion and whereas the Standing Committee of the United Nations Joint Staff Pension Board has communicated to the Secretary-General that it has no objections to the execution of this agreement;

It is, therefore, agreed as follows:

**Article 1**

The International Maritime Organization (hereinafter referred to as the Organization) accepts as of 1 July 1959 subject to the provisions of this Agreement, the Regulations of the United Nations Joint Staff Pension Fund (hereinafter referred to as the Regulations) as applicable to itself and to the members of its staff and becomes from that date a member organization of the United Nations Joint Staff Pension Fund (hereinafter referred to as the Fund).

**Article 2**

In accordance with Article II of the Regulations, the Organization has determined that every full-time member of its staff shall be subject to the Regulations if he enters employment under a contract without a time limit; or if he enters employment under a fixed-term contract for five years or more; or if he has completed five years of employment and remains on a contract providing for further service of at least one year, or remains in employment for more than one year thereafter; or if the Organization certifies that the particular fixed-term contract is considered to cover a probationary period and is designed to lead to employment for an indefinite period, provided that he is under sixty years of age at the time of entry into the Fund and that his participation is not excluded by his contract of employment.

The Secretary-General of the Organization shall promptly transmit to the Secretary of the United Nations Joint Staff Pension Board the names and other relevant data to be determined by the United Nations Joint Staff Pension Board (hereinafter referred to as the Board), pertaining to staff members becoming eligible for participation.

**Article 3**

In accordance with Supplementary Article B of the Regulations, the Organization has determined that every full-time member of the staff shall
be subject to the Regulations applicable to associate participants if he enters employment under a fixed-term contract for at least one year but less than five years; or if he has completed one year of continuous employment, provided that he is not eligible under Article II.1 of the Regulations to become a participant, provided that he is under sixty years of age and provided further that his associate participation is not excluded by his contract of employment.

The Secretary-General of the Organization shall promptly transmit to the Secretary of the Board the names and other relevant data to be determined by the Board pertaining to staff members becoming eligible for associate participation.

**Article 4**

Within one month following the signing of this Agreement, the Secretary-General shall transmit to the Secretary of the Board a complete list of members of the staff of the Organization eligible for participation or associate participation in the Fund on the effective date of the admission of the Organization.

In the case of members of the staff of the Organization eligible for participation, the Secretary-General shall indicate the date at which contributory service shall be deemed to have begun with respect to each such participant, in accordance with the provisions of article 5 of this Agreement.

**Article 5**

The period prior to 1 July 1959 during which a participant was in full-time employment as a member of the staff of the Organization shall be counted as contributory service under the Regulations, provided that payment is made by the Organization to the Fund of 21 per cent of the pensionable remuneration of each such participant during that period, together with interest at 3 per cent for the period, and provided, further, that there shall also be paid into the Fund by the Organization such an additional sum as may be determined by the Board, on the basis of a report from its consulting actuary, to be necessary in respect of the obligations incurred by the Fund through the counting of all such periods of prior employment as contributory service. Such an additional sum shall become payable when the Board advises the Organization of the determination it has made.

The earliest date from which employment with the Organization can be reckoned for the purpose of participation in the Fund shall be 1 February 1959.
Article 6

Within one month following the signing of the Agreement the Organization shall start paying monthly into the Fund, in respect of each associate participant, a contribution equal to $4\frac{1}{2}$ per cent of his pensionable remuneration, or such percentage contribution, not to exceed 6 per cent, as shall be determined from time to time by the Board on the basis of actuarial valuations of the Fund.

Article 7

All payments to be made by the Organization to the Fund in accordance with the Regulations shall be treated by the Organization as preferred debts which shall be satisfied immediately after payment of salaries due by the Organization to its staff.

Article 8

Should the Organization for any reason interrupt or cease to make its payments to the Fund as required under the Regulations, the Secretary of the Board shall promptly report the facts to the Board and the Board shall determine the date as of which the Organization shall be deemed to be in default. The Board shall then cause an actuarial valuation of the Fund to be made in order to determine the sum necessary to make good the Organization's share of the deficiency, if any, revealed by such valuation, which sum shall then become payable by the Organization to the Fund.

Thereafter, upon the death or cessation of service with the Organization of each participant in the employment of the Organization on the date of default, he or his designated beneficiary shall be paid the actuarial equivalent of the benefit to which he would have been entitled under Article X of the Regulations had he left the service of the Organization on the date of default.

As soon as the Organization has made the additional contributions necessary as determined by actuarial valuation to restore to each such participant remaining in the employment of the Organization during the period of default, his contributory service prior to default and during the period subsequent to default, the prospective rights of each participant to the benefit provided in the preceding paragraph shall cease and he shall in lieu thereof be entitled to all the rights of a participant credited in accordance with the Regulations with contributory service from his last date of participation prior to default.
Article 9

The Organization shall furnish to the Board, at its request, information based on adequate books and records relating to participants and associate participants, including salary scales, changes in salaries, pensionable remuneration paid and deductions made therefrom.

Procedure shall be agreed upon between the Organization and the Secretary of the Board, subject to the approval of the Board, with respect to reporting, vouchering and remittance of the contributions payable by the Organization to the Fund in accordance with the Regulations and the members of its staff who are participants in the Fund and with respect to such other administrative matters as it may be necessary to regulate for the implementation of the Agreement.

The Organization shall, in consultation with the Secretary of the Board, provide adequate information to its staff concerning the Regulations of the Fund and its operation.

Article 10

This Agreement, of which the English and the French texts are equally authentic, has been duly signed in duplicate in each of these languages on 23 June 1959 at New York, and on 30 June 1959 at London.

For the United Nations:  For the International Maritime Organization:

DAG HAMMARSKJOLD  OVE NIELSEN
Secretary-General  Secretary-General

B  IMO TRAINING INSTITUTIONS AND REGIONAL CENTRE
CHARTER OF THE
WORLD MARITIME UNIVERSITY*

THE ASSEMBLY,

RECALLING resolution A.501(XII) of 20 November 1981, by which it requested the Secretary-General to take all necessary action for the establishment of the World Maritime University,

RECALLING ALSO that the Charter of the World Maritime University first took effect on 1 May 1983,

RECALLING FURTHER resolution A.1030(26) of 26 November 2009, which revised the provisions of the Charter,

BEING COGNIZANT of developments in the fields of research, scholarship, education and sustainable development, particularly with respect to ocean-related matters, since the adoption of the Charter,

BEING AWARE that a comprehensive review was conducted in 2016 and 2017 to ensure a common understanding of the Charter provisions; to implement the strategies identified in the Study on the financial sustainability of the University; and to enable it to function both as an academic and higher education institution and as a financially sustainable business venture generating a surplus of revenue over expenses which could be used for pursuing its objectives and purposes for the wider public benefit, and for serving the needs of the University for years ahead without any need to adopt further amendments,

ALSO BEING AWARE that the University’s Executive Board established a working group to make proposals for the revision of the Charter, as recommended by the University’s Board of Governors,

NOTING that the Council, at its 118th session, considered and approved the amendments proposed to the Charter by the University’s Board of Governors

* Resolution A.1130(30), adopted on 4 December 2017.
and recommended the Charter as amended to this session of the Assembly for its adoption,

HAVING CONSIDERED the recommendations of the Council at its 118th session,

1 ADOPTS the revised Charter of the World Maritime University, as set out in the annex;

2 DECIDES that the provisions of the Charter, as revised, will take effect on 1 January 2018;

3 REVOKES resolution A.1030(26) as of the effective date of the revised Charter.

Annex

Charter of the World Maritime University

Preamble

The WORLD MARITIME UNIVERSITY was founded on 1 May 1983* in recognition of the vital need to establish an international centre of excellence for the advancement of maritime education, research and study, including capacity-building, in particular for developing countries.

In order to meet the needs of a dynamic maritime sector, the World Maritime University has expanded the scope of its educational and research programmes to encompass ocean studies, external programmes and distance learning, including e-learning, and is cooperating with academic institutions and other partners in furthering the objectives of the University.

I

Definitions

Article 1

In this Charter:

Academic Council means the Academic Council of the University.

* The first Charter was adopted by IMO Assembly resolution A.501(XII) on 20 November 1981.
Board of Governors means the Board of Governors of the University.

Chancellor means the Chancellor of the University.

Convention means the Convention on the International Maritime Organization.

Council and Assembly mean the Council and the Assembly of the Organization, respectively.

Executive Board means the Executive Board of the University.

Organization means the International Maritime Organization.

President means the President of the University.

Secretary-General means the Secretary-General of the Organization.

Statutes means the Statutes of the University.

University means the World Maritime University.

Vice-President means a Vice-President of the University.

II

Objectives and functions

Article 2

(a) The University shall be the lead international postgraduate education and research institution and a centre of excellence for the promotion and advancement of shipping and related fields, including the improvement of maritime safety and security, the protection of the marine environment, the efficiency of international shipping and other marine and related ocean issues, in furtherance of the purposes and objectives of the United Nations system and, in particular, of the Organization as a specialized agency of the United Nations.

(b) It shall be a fundamental objective of the University to provide the international maritime community, and in particular developing countries, with a centre for advanced maritime and ocean education, research, scholarship and capacity-building and an effective means for the sharing and transfer of technology from developed to developing maritime countries, with a view to promoting the achievement, globally, of the highest

* See Basic Documents, Volume I.
practicable standards in matters concerning maritime safety and security, efficiency of international shipping, the prevention and control of marine pollution, including air pollution from ships, and other marine and related ocean issues.

Article 3

(a) The University is established within the framework of the Organization. Within that framework, it shall enjoy:

(i) academic freedom;
(ii) freedom to deal with matters of a financial nature;
(iii) freedom to select persons and institutions to share in its tasks; and
(iv) freedom to compose its student body.

(b) The University and all who are directly associated with it shall act in accordance with the spirit and provisions of the Convention and with the relevant provisions and principles of the Charter of the United Nations, as well as with this Charter.

Article 4

To achieve its objectives, the University shall:

(a) provide countries, and in particular developing countries, with the most modern and up-to-date facilities for postgraduate education, research, professional development and capacity-building in shipping and other marine and related ocean activities;

(b) establish and provide a forum for internationally recognized experts in all major aspects of shipping and related ocean issues, including visiting professors, lecturers, consultants and others, with a view to promoting the University as a centre of excellence;

(c) promote the development of a uniform international system for the education and training of experts in shipping and other marine and related ocean fields as a means of facilitating and promoting international cooperation in these fields;
(d) provide technical cooperation and assistance for the promotion of a uniform application of the conventions and other regulations and standards of the Organization; and

(e) take into account other conventions and technical regulations and standards of relevance to shipping and related ocean issues.

Article 5

In furtherance of the objectives of this Charter, the University shall have the power to:

(a) prescribe the requirements for entry into the University, the conditions for admission to any degree or non-degree programme, and the conditions for successful completion of such programmes;

(b) establish and teach such programmes and such subjects as may be deemed suitable;

(c) provide for the advancement and dissemination of knowledge in such manner as may be determined, including participation in research and scholarship;

(d) grant and confer, under conditions laid down for that purpose, degrees, diplomas, certificates and other academic distinctions to and on persons who shall have successfully completed programmes established by the University in accordance with relevant Statutes; and to revoke any such degrees, diplomas, certificates or other academic distinctions for reasons the University shall deem to be good cause;

(e) prescribe disciplinary provisions governing the students of the University;

(f) cooperate with other universities or institutions in the development and delivery of joint programmes, the conduct of examinations, the award of degrees and diplomas and the issuance of certificates;

(g) confer honorary degrees and other distinctions;

(h) institute professorships, lectureships and any other offices of any kind, whether academic or not, as may be required by the University;
(i) appoint persons to and remove them from such offices and prescribe their conditions of service;

(j) recognize the results of the examination and periods of study successfully completed by students of the University at other universities or institutions of learning as equivalent to such examinations and periods of study in the University as may be determined, and withdraw such recognition at any time;

(k) provide for the printing and publication of material which may be issued under the imprimatur of the University;

(l) publish an annual report on its activities;

(m) provide for research and advisory services;

(n) institute and award fellowships, scholarships, internships, bursaries and prizes;

(o) provide for and administer places of residence for students of the University;

(p) maintain, manage, deal with, dispose of and invest the property, money, assets and rights of the University;

(q) enter into engagements and accept obligations and liabilities;

(r) act as trustees or managers for any property, legacy, endowment, bequest or gift for purposes in furtherance of the work and welfare of the University, and invest any funds representing such property, legacy, endowment, bequest or gift, if not immediately required, on such security as the President may deem fit, in accordance with the provisions of the Statutes;

(s) establish, maintain and supervise, as necessary, institutes, foundations and centres for studies and research;

(t) provide for the establishment and payment of fees for the educational, training, research and advisory services of the University; and

(u) with reference to Article 2, do everything, incidental or not to the aforementioned powers, that may be required in order to further the objectives of the University as a place of education, learning, research and the advancement of knowledge.
Article 6
No distinction, exclusion or preference shall be made on the basis of race, colour, sex, religion, political or other opinion, national extraction or social origin, language, economic condition of birth, sexual orientation, disability, migrant status, or HIV and AIDS status, nor shall any other requirement be imposed by the University upon any person.

Article 7
There shall be equality of opportunity and treatment in access to employment and in terms and conditions of employment, including equal remuneration for men and women for work of equal value. Men and women shall be equally eligible for any office or appointment in the University and for membership of any of its constituent bodies and all degrees and courses of study in the University shall be open to both men and women.

III
Organizational framework

Article 8
The University shall consist of a Chancellor, a Board of Governors, an Executive Board, a President, Vice-President(s), an Academic Council and such other personnel of the University as may be appointed in accordance with this Charter.

IV
The Chancellor

Article 9
The Secretary-General shall be the ex officio Chancellor.

Article 10
The Chancellor shall preside over the Board of Governors and perform such other functions as specified in this Charter or in the Statutes or in the Regulations and Rules of the University.
V
The Board of Governors

Article 11

(a) Members of the Board of Governors shall be appointed by the Secretary-General.

(b) The Board of Governors shall be composed of up to 30 members and ex officio members in accordance with (c) below.

(c) The Board of Governors shall be established on a broad geographical basis and should include persons from developing countries and persons with expertise in maritime and oceans matters as well as finance, fund-raising and academic development. Members of the Board may be drawn from educational and research institutions, maritime industries and departments of governments. All members shall serve in a personal capacity, except as otherwise provided for in this Charter.

Article 12

(a) The Chair of the Executive Board and the President shall attend the meetings of the Board of Governors on an ex officio basis, without the right to vote.

(b) A person appointed by the Secretary-General to represent the Organization on the Board of Governors, a representative of the Government of Sweden, and a representative of the City of Malmö shall be invited to serve as ex officio members of the Board of Governors. The term of office of such ex officio members shall be determined by those who appoint them.

(c) A representative of the University’s personnel and a representative of the Student Council may attend meetings of the Board of Governors as observers. The Board of Governors may determine that a particular matter under discussion is of a confidential nature, in which case, those representatives shall not be in attendance.

(d) The Board of Governors may invite others to attend its meetings as observers under the same conditions as provided for in (c) above.
Article 13

(a) The terms of office of appointed members of the Board of Governors shall be three years. Members who demonstrate active contribution to the work of the Board of Governors may be invited to serve for up to three consecutive terms.

(b) Serving members of the Board of Governors as at its 35th session who demonstrate active contribution to the work of the Board of Governors may be reappointed for up to two further consecutive terms.

Article 14

The Board of Governors, in addition to performing such other functions as specified in this Charter or in the University’s Statutes, Financial and Staff Regulations and Rules, shall:

(a) exercise due governance of the University;

(b) ensure the effectiveness and continuity of its operations;

(c) protect the autonomous nature of the University within the framework of the Organization; and

(d) ensure the maintenance of the highest academic and professional standards.

Article 15

The Board of Governors shall:

(a) adopt Statutes, including Financial and Staff Regulations and Rules, strategic directions and such other plans for the University;

(b) consider and adopt the work programme and the budget estimates of the University;

(c) decide upon the establishment or incorporation of postgraduate education programmes of the University, and adopt the necessary standards for the operation and further development of such programmes;

(d) consider the reports provided for in this Charter on the activities of the University and of the Executive Board;
submit to the Council such recommendations as it may deem necessary or desirable for the effective functioning of the University;

report to the Council on the work of the University;

elect a Vice-Chair, who shall preside in the absence of the Chancellor;

adopt Rules of Procedure, including procedures for convening special sessions as necessary;

establish such subsidiary bodies as it deems necessary; and

issue such directives and approve such measures within the framework of this Charter as may be necessary for the operation of the University and its administration.

Article 16

The Board of Governors shall meet in regular session at least once a year but may meet more frequently if necessary and shall be convened by the President at the direction of the Chancellor. A special session may be convened by the Chancellor if circumstances so require. Meetings shall normally take place in Malmö.

VI

The Executive Board

Article 17

(a) The Executive Board shall consist of up to eleven members, including:

(i) the Chair as appointed pursuant to Article 18;

(ii) up to eight members appointed by the Board of Governors, on the recommendation of the Secretary-General, for a term of two years; and

(iii) an ex officio member appointed by the Secretary-General to represent the Organization on the Executive Board and an ex officio member appointed by the Government of Sweden. The term of office of such ex officio members shall be determined by those who appoint them.
(b) No more than two members of the Board of Governors, other than the ex officio members, may also be members of the Executive Board.

(c) The Secretary-General and the President shall have the right to attend meetings of the Executive Board on an ex officio basis, without the right to vote.

(d) A representative of the University’s personnel and a representative of the Student Council may attend meetings of the Executive Board as observers. The Executive Board may determine that a particular matter under discussion is of a confidential nature, in which case, those representatives shall not be in attendance.

(e) The Executive Board may invite other persons to attend its meetings as observers.

Article 18

(a) The Secretary-General shall appoint the Chair of the Executive Board for an initial term of office of four years.

(b) The Chair may be reappointed by the Secretary-General for another four-year term of office.

(c) The Secretary-General may terminate the appointment of the Chair of the Executive Board if it is considered to be in the best interest of the University.

Article 19

Members of the Executive Board appointed by the Board of Governors who demonstrate active contribution to its work shall be eligible for reappointment by the Board of Governors for up to three further consecutive two-year terms of office.

Article 20

The Executive Board shall, in addition to performing such other functions specified in this Charter or in Statutes or in the University’s Regulations and Rules, facilitate the work of the University as may be necessary, provide oversight of the University between sessions of the Board of Governors, and:

(a) monitor the implementation of the decisions of the Board of Governors and give directions and guidance as necessary;
(b) consider the draft work programme and the budget estimates of the University prepared by the President in accordance with Article 23, paragraph (b) (i) and establish and submit to the Board of Governors the work programme and budget estimates of the University, having regard to the general interest and priorities of the University;

(c) report to the Board of Governors at each regular session on the work and decisions of the Executive Board since the previous regular session of the Board of Governors;

(d) submit to the Board of Governors audited accounts and financial statements of the University, together with the Executive Board’s comments and recommendations;

(e) coordinate the governance of the University, in particular between sessions of the Board of Governors, make such adjustments in the adopted work programme and budget estimates of the University, and make such other decisions, otherwise requiring a decision of the Board of Governors, as are strictly necessary to ensure the efficient functioning of the University; any decisions so taken shall be reported to the next session of the Board of Governors;

(f) submit to the Board of Governors such recommendations as it may deem necessary or desirable for the effective functioning of the University, including recommendations in relation to the fees to be levied by the University;

(g) carry out functions of the Board of Governors and studies or other preparatory work for consideration by the Board of Governors as the Board of Governors may determine;

(h) adopt Rules of Procedure, including procedures for convening special sessions as necessary;

(i) elect a Vice-Chair who shall preside in the absence of the Chair; and

(j) establish such subsidiary bodies as it deems necessary.

Article 21

The Executive Board shall meet at least three times a year. Meetings shall normally take place in Malmö.
VII
The President

Article 22

(a) The President of the University shall be appointed by the Secretary-General for an initial term of four years. The President shall be eligible for reappointment. The conditions of service of the President, including termination, shall be contained in a Service Agreement approved by the Board of Governors.

(b) The Board of Governors, on the recommendation of the Chancellor, may terminate the President’s appointment before it has expired for failure to properly execute the duties of the office or otherwise in the best interests of the University. Pending consideration of the matter by the Board of Governors, the Secretary-General may, if it is in the best interests of the University, suspend the President and designate an Acting President.

(c) Should the post of President become vacant for whatever reason, the Secretary-General shall appoint an Acting President.

Article 23

(a) Under the overall supervision, control and direction of the Board of Governors, the Executive Board and the Secretary-General, as appropriate, the President shall direct and administer the University, in accordance with the University’s Statutes, Regulations and Rules, strategic directions and plans.

(b) The President shall:

(i) submit the draft work programme and the budget estimates of the University to the Executive Board for consideration;

(ii) direct the activities connected with the execution of teaching programmes of the University and authorize expenditure of funds provided for in the approved budget estimates;

(iii) in consultation with the Chancellor, recommend to the Executive Board such advisory bodies as may be deemed necessary;

(iv) in consultation with the Chancellor:

a. recommend to the Board of Governors, through the Executive Board, agreements, contracts or arrangements with Governments, intergovernmental organizations,
non-governmental international or national organizations or legal entities with a view to offering and receiving services related to the activities of the University for matters other than the educational, training, research or advisory services offered by the University; and

b. conclude agreements, contracts or arrangements with Governments, intergovernmental organizations, non-governmental international or national organizations, universities, institutions or legal entities with a view to providing them with the educational, training, research or advisory services offered by the University and report them to the Executive Board;

(v) coordinate, in consultation with the Chancellor, all the postgraduate education, research and capacity-building programmes of the University with the activities of the Organization and, as appropriate, the United Nations system and its agencies and organs;

(vi) report to the Board of Governors and to the Executive Board on the activities of the University and the execution of its programmes; and

(vii) act as a secretary, provide the necessary services, and maintain the records of all meetings of the Board of Governors and the Executive Board, their subsidiary bodies and the Academic Council.

(c) The President shall establish an Academic Council presided over by the President.

(d) The Academic Council shall assist the President in the coordination, promotion and implementation of the academic work programme of the University and in the regulation and supervision of the education and discipline of the students of the University.

VIII
Personnel

Article 24

(a) The academic and administrative personnel of the University shall be appointed with due regard to the objectives of the University as provided
for in this Charter, and with due regard to Articles 6 and 7. The basic criteria for selection shall be the highest standards of expertise, competence and integrity, with due regard to equitable and appropriate representation in terms of regional balance, educational and cultural traditions.

(b) All academic personnel referred to in Article 26 (b) to (e) and all administrative personnel referred to in Article 25 (b) and (c) shall be appointed by the President and be responsible to the President in the exercise of their functions.

Article 25
The personnel of the University shall consist of:

(a) academic personnel;
(b) professional administrative personnel; and
(c) General Service administrative personnel.

Article 26
The academic personnel of the University shall be composed of:

(a) the President;
(b) the Vice-Presidents;
(c) professors, associate professors, assistant professors and lecturers;
(d) visiting professors and visiting lecturers; and
(e) research associates and research assistants.

Article 27
All academic personnel referred to in Article 26 shall enjoy in their work the academic freedom guaranteed by Article 3.

Article 28
(a) Except as otherwise provided for in the Statutes, the academic and administrative personnel of the University shall be governed by Staff Regulations and Rules.
(b) Subject to agreements and arrangements established by the Organization, the academic and professional administrative personnel other than the personnel referred to in paragraph (d) of Article 26 shall be accorded the status of officials of the Organization within the meaning of the Convention on the Privileges and Immunities of the Specialized Agencies* of 21 November 1947, including its Annex XII as amended and as applicable to the Organization; and the personnel referred to in paragraph (d) of Article 26 shall be accorded the status of experts of the Organization within the meaning of the aforesaid Convention.

IX

Finance and budget

Article 29

(a) Operational costs of the University shall be met from revenue derived from contributions, legacies, endowments, bequests and gifts which may be accepted by the University, or from fees levied, or from miscellaneous and other revenue of the University.

(b) The University may also accept contributions of a financial or non-financial nature, including contributions for specific purposes and for fellowships and scholarships of the University.

(c) Contributions and funding which may directly or indirectly involve a perceived potential or non-budgeted financial liability for the University or which involve activity outside the strategic directions and work programme of the University may only be accepted with the approval of the Board of Governors.

Article 30

All funds received and held by the University shall be administered in accordance with the Financial Regulations and Rules and Statutes of the University.

Article 31

The budget estimates of the University shall be prepared in such a manner as may be prescribed by the Board of Governors and the Executive Board.

* See page 3.
The budget estimates for the ensuing financial period shall be submitted by the Executive Board to the Board of Governors for adoption and subsequent submission to the Council for information.

X
Audits

Article 32
(a) The University shall be subject to audits which shall be conducted in accordance with the Financial Regulations and Rules. It shall include:

(i) an internal audit undertaken by the Organization;

(ii) an external audit undertaken by the External Auditor of the Organization; and

(iii) special audits as requested by the Chancellor, the Board of Governors or the Executive Board.

(b) The University may additionally be subject to other audits in pursuit of accreditation as a provider of higher education.

XI
Location

Article 33
The University shall be located in the City of Malmö in Sweden.

XII
Status and authority

Article 34
The University will, subject to such other arrangements as may be made by the Secretary-General with the approval of the Council, enjoy the status, privileges and immunities provided in the Convention on the Privileges and
Immunities of the Specialized Agencies* of 21 November 1947, including its Annex XII as amended, and in other relevant international agreements and resolutions relating to the status, privileges and immunities of the Organization. Subject to such procedures as may be established by the Secretary-General, persons travelling on the official business of the University may be provided with the appropriate United Nations travel document.

**Article 35**

The administrative and financial services located at the Headquarters of the Organization and other services of the Organization may be utilized by the University on conditions determined in consultation between the Secretary-General and the President, it being understood that no extra cost to the regular budget of the Organization shall be incurred thereby.

**XIII**

*Legal personality*

**Article 36**

The University may acquire and dispose of real and personal property, and may take such legal action as may be necessary for the performance of its functions.

**XIV**

*Amendments*

**Article 37**

(a) Amendments to the present Charter may be proposed by the Board of Governors, taking into account the recommendations of the Executive Board or by the Secretary-General in consultation with the Board of Governors. Amendments shall be approved by the Council and adopted by the Assembly.

(b) Amendments to this Charter shall take effect on the date determined by the Assembly taking into account the relating recommendation of the Board of Governors and the Council.

* See page 3.
XV
Operative date

Article 38
The operative date of this amended Charter shall be 1 January 2018.
AGREEMENT BETWEEN THE INTERNATIONAL MARITIME ORGANIZATION AND THE GOVERNMENT OF SWEDEN REGARDING THE WORLD MARITIME UNIVERSITY*

THE INTERNATIONAL MARITIME ORGANIZATION AND THE GOVERNMENT OF SWEDEN:

RECALLING that Sweden undertook on 1 February 1960 to apply to the International Maritime Organization the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, including its Annex XII;†

NOTING that the World Maritime University is to be established in Malmö, Sweden, by the International Maritime Organization in pursuance of its purposes and objectives and operated within the administrative framework of the Organization;

CONSIDERING that the World Maritime University will accordingly be covered by the provisions of the Convention as applicable to the Organization;

DESIRING to ensure, by means of a supplemental agreement, as foreseen in Part X, Article 39, of the Convention that the University’s legal status in Sweden, as well as the content of certain privileges, concessions and courtesies and the measures for their implementation should be defined;

HAVE AGREED as follows:

* This Agreement was registered with the Secretariat of the United Nations on 16 October 1985, No. 23595; United Nations, Treaty Series, vol. 1409, p. 233.
† See page 3.
Part I
Definitions and interpretation

Article 1
In this Agreement:

(a) the *IMO Convention* means the Convention on the International Maritime Organization, as amended;*

(b) the *Convention* means the Convention on the Privileges and Immunities of the Specialized Agencies† of the United Nations adopted by the General Assembly of the United Nations on 21 November 1947, including its Annex XII, the text of which was received by the Secretary-General of the United Nations on 12 February 1959, and any subsequent revision of that Annex approved by the Organization and accepted by Sweden;

(c) *Organization* means the International Maritime Organization;

(d) *Government* means the Government of Sweden;

(e) *Secretary-General* means the Secretary-General of the Organization and, during his absence, any other official specially designated to act on his behalf;

(f) the *Rector* means the Rector of the University and, during his absence, the Vice Rector and, in the absence of both of them, any other official specially designated to act on his behalf, to be notified to the Government by the Rector or by the Secretary-General;

(g) *appropriate authorities* means the national, regional or local authorities of Sweden, as the context may require, in accordance with the law of Sweden;

(h) *law of Sweden* includes Acts of Parliament and all subordinate legislation;

(i) *emoluments* means all sums in respect of employment in connection with the World Maritime University paid to, vested in or accruing to an official’s benefit in any form whatsoever;

(j) *University* means the World Maritime University;

* See Basic Documents, Volume I.
† See page 3.
Article 2

1. This Agreement shall be interpreted in the light of its primary objective of enabling the Organization to discharge fully and efficiently its responsibility in respect of the University.

2. To the extent that they deal with the same subject matter, this Agreement and the Convention or any treaty conferring immunities and privileges upon the Organization shall be complementary.

Part II
Premises and property of the University

Article 3

1. For the purpose of article III of the Convention, but not as a condition of its application, the location of the premises and the archives of the University shall be made known to the appropriate authorities by the Secretary-General or the Rector who shall also inform the appropriate authorities of any change in the location or extent of such premises or archives and of any temporary occupation by the University of premises for the fulfilment of its...
official functions. Where premises are temporarily used or occupied by the University for the fulfilment of its official functions, these premises shall, with the agreement of the appropriate authorities, be accorded the status of premises of the University.

2 The inviolability conferred by article III, section 6, of the Convention extends to all archives, correspondence, documents, manuscripts, photographs, films and recordings belonging to or held by the University and to all information contained therein.

3 The immunity conferred by article III, section 5, of the Convention extends to the means of transport of the University. Means of transport which the University hires or borrows shall be immune from search, requisition, confiscation or expropriation. However, the immunity conferred by article III, section 5, of the Convention does not extend to administrative or police action which may be temporarily necessary in connection with the prevention and investigation of accidents involving a motor vehicle belonging to, or operated on behalf of, the University, nor in case of damage caused by a motor vehicle belonging to, or operated on behalf of, the University. The University shall identify as such, means of transport being used for official purposes.

4 The Government shall do their utmost to ensure that the premises of the University 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 any interruption or threatened interruption to any such services, the Government shall consider the needs of the University as being of equal importance with those of diplomatic missions and shall accordingly take all reasonable steps to ensure that the University is not prejudiced.

Article 4

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

Article 5

The Government are under a special duty to take all reasonable steps to protect the premises of the University against any intrusion or damage and to prevent any disturbance of the peace of the University or impairment of its dignity.
Article 6

1. The premises of the University shall be under the control and authority of the Board which may establish any regulations necessary for the execution therein of the functions of the University.

2. Except as otherwise provided in this Agreement, or in the Convention, the law of Sweden shall apply within the premises of the University, provided that the Organization or the University may establish any regulations necessary for the execution of the functions of the University including rules of international administrative law and the terms of contracts of employment governed by that law. These regulations shall be operative within the premises of the University and no law of Sweden which is inconsistent therewith shall be enforceable within those premises. Any dispute between the Organization and the Government as to whether a regulation of the former is authorized by this paragraph or as to whether a law of Sweden is inconsistent with any regulation authorized by this paragraph shall be promptly settled as provided in article 19 of this Agreement.

3. No official of the Government or person exercising any public authority, whether administrative, judicial, military or police, shall enter the premises of the University except with the express consent of and under conditions approved by the Secretary-General or the Rector. No service of execution of any legal process whatsoever, irrespective of whether the Organization is named as defendant, or any ancillary act such as the seizure of private property, shall take place within the premises of the University except with the express consent of and under conditions approved by the Secretary-General.

4. Notwithstanding the applicable terms of this Agreement, the University shall not permit its premises to become a refuge from justice for persons who are avoiding arrest or service of legal process or against whom an order of extradition or deportation has been issued by the appropriate authorities.

5. Nothing in this Agreement shall prevent the reasonable application by the appropriate authorities of measures for the protection of premises against fire.
Part III
Access and communications

Article 7

1. The appropriate authorities shall impose no impediment to the transit to and from the premises of the University of persons having official business at those premises.

2. The Government undertake to authorize the entry into Sweden without charge for visas of the following persons for the terms of their business with the University:

   (a) Members of the Board;

   (b) officials designated by Member States to represent them on any official business of the University;

   (c) officials of the University;

   (d) experts within the meaning of article 1(o) of this Agreement;

   (e) officials of the Organization or of the United Nations and its organs, the specialized agencies and the International Atomic Energy Agency who are on official business of the University;

   (f) members of the families of the above-mentioned persons forming part of their respective households;

   (g) persons admitted to the University to undertake courses of instruction or to participate in activities or events organized by the University in accordance with its Charter and related Regulations and Rules; and

   (h) persons invited to the University by the Secretary-General or by the Rector.

3. The provisions of the preceding paragraphs shall be applicable irrespective of the relations existing between the Government of the persons referred to and the Government of Sweden and are without prejudice to any special immunities to which such persons may be entitled. They shall not prevent the requirement of reasonable evidence to establish that persons claiming the aforementioned rights come within the classes described, nor the reasonable application of international quarantine and public health regulations.
4 The Secretary-General or the Rector shall as far as possible inform the Government, in advance of their arrival in Sweden, of the names of persons within the categories set out in paragraph 2 of this article to assist the Government to implement the provisions of this article as well as article 16 of this Agreement.

Article 8

1 The Government shall permit and protect unrestricted communication on the part of the University for all official purposes. The University may employ all appropriate means of communication, including couriers and messages in code or cypher. However, the University may install and use a wireless transmitter only with the consent of the appropriate authorities. Subject to these qualifications the University may employ the United Nations telecommunication network in accordance with limitations prescribed by the International Telecommunication Convention.

2 The University shall enjoy the treatment provided in article IV, section 11, of the Convention in respect of its official communications to the extent that such treatment is compatible with any other international conventions, regulations and arrangements to which the Government are a Party.

3 Sealed bags containing documents or articles intended for official use and bearing external marks of their character shall in particular be accorded the immunity of article III of the Convention and shall not be detained.

4 A courier shall be provided with an official document indicating his status and the number of packages constituting the sealed bag. The appropriate authorities shall assist him in the performance of his functions, in which he shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

5 A sealed bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier. The University may send an official who shall be considered to be a courier to take possession of the bag directly from the captain of the aircraft.
Part IV
Members of the Board, officials of the University and experts

Article 9
Members of the Board at meetings convened by the University shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the privileges and immunities specified in article V of the Convention with respect to representatives of members, subject to the terms specified in that article and in article VII, section 25, of the Convention.

Article 10
Article VI of the Convention does not extend immunity from jurisdiction to the Rector or the Vice Rector, if they are citizens of Sweden, or other officials of the University in case of a motor traffic offence committed by any of them, nor in case of damage caused by a motor vehicle belonging to or driven by any of them.

Article 11
Experts within the meaning of article 1(o) of this Agreement shall be considered as experts defined in paragraph 2 of Annex XII to the Convention. However, they shall not enjoy immunity from jurisdiction in case of a motor traffic offence committed by any of them, nor in case of damage caused by a motor vehicle belonging to or driven by any of them.

Part V
Financial

Article 12
1. Without prejudice to the exemptions accorded by article III, sections 9 and 10, of the Convention and without any limitation of these exemptions, the Organization shall, in respect of the University, be exempt from:

(a) tax on income ("statlig inkomstskatt" and "kommunal inkomstskatt");

(b) value added tax and other indirect taxes on articles purchased or services rendered for the official use of the University, to the
extent accorded under the law of Sweden to foreign diplomatic missions in Sweden;

(c) social security contributions.

2 The exemption conferred by article III, section 9(b), of the Convention extends to customs duties and any taxes or charges imposed upon or by reason of importation and the procedures in connection therewith excepting charges for storage, cartage and similar services. At the request of the appropriate authorities the University shall provide written certification that any particular import or export is for its official use.

3 In the event of the introduction of taxes other than those referred to in this article, the Organization and the Government shall determine the applicability of the Convention to such taxes.

Article 13

1 The Rector and other officials of the University shall be exempt from income tax “statlig inkomstskatt” and “kommunal inkomstskatt”) on their emoluments.

2 The Rector and other officials of the University and members of their families forming part of their respective households, provided that they are not citizens of Sweden, shall be exempt from customs duties and any taxes or charges (excepting charges for storage, cartage and similar services) imposed upon or by reason of the importation of articles (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 at the time of first taking up their post in Sweden. Such articles shall normally be imported within a reasonable period of first entry of such persons into Sweden.

Article 14

1 Officials of the University and members of their families forming part of their respective households shall be covered by appropriate social security arrangements made by the Organization and shall be exempt from any social security scheme established by the law of Sweden.

2 However, members of the family of an official shall be entitled to Swedish social security benefits, other than children’s allowances, if such family members were resident in Sweden immediately prior to the employment of the official by the University.
3 The provisions of paragraph I of this article shall not apply to social security contributions and benefits related to income from gainful occupation in Sweden outside the University.

Article 15

1 In implementation of the financial provisions of article III, section 7, of the Convention to the University, the Organization shall be treated as non-resident for the purposes of exchange control and may accordingly hold funds in the form of gold or in any currency and in any country. Any of the gold or currency or bank balances held in Sweden by the Organization for the University may be freely transferred within Sweden or to any other country. The Organization shall not require exchange control consent to use funds for the purposes of investment for the University either in Sweden or elsewhere.

2 In accordance with article V, section 13(e), of the Convention a Member of the Board shall be entitled to the treatment in matters of exchange control which is accorded to a diplomatic agent in Sweden of the State of which he is a national. Where diplomatic relations with such a State do not exist or have been broken off, the treatment shall be no less than that accorded to a diplomatic agent of any third State.

3 In accordance with article VI, section 19(d), of the Convention, an official of the University shall be permitted by the appropriate authorities to receive and hold his emoluments in an account denominated in any currency and shall in addition be accorded the treatment in matters of exchange control which is accorded to a diplomatic agent in Sweden of the State of which he is a national. Where diplomatic relations with such a State do not exist or have been broken off, the treatment shall be no less than that accorded to a diplomatic agent of any third State.

4 The Government shall not levy estate duty on or in respect of movable property of officials of the University and members of their families forming part of their households, provided that in either case they were not citizens of Sweden at the time of death and provided that the presence of the property in Sweden was due solely to the presence of the deceased as an official of the University or as a member of the family of an official of the University. The Government shall impose no impediment to the repatriation of the movable property of a deceased official of the University or member of his family with the exception of property whose export was prohibited at the time of death.
Part VI
Identification

Article 16

1 Any official of the University who presents a valid United Nations laissez-passer issued in accordance with article VIII, section 26, of the Convention and identifying him as an official of the University shall, subject to paragraph 3 of article 7 of this Agreement, be immune from Swedish immigration restrictions and requirements and from alien registration. Members of the family forming part of the official’s household who travel with him and present satisfactory evidence of identity shall be similarly treated. No such official shall require a visa for entry into Sweden.

2 Officials of the University who do not present a United Nations laissez-passer shall not be exempt from the laws of Sweden regarding passports and visas. They shall, however, subject to paragraph 3 of article 7 of this Agreement, be immune from Swedish immigration restrictions and requirements and from alien registration provided that:

(a) they produce a valid travel document, and

(b) they produce evidence of their official capacity issued by their Government or by the University or by the Organization, or the appropriate authorities are notified of their arrival.

3 The persons described in paragraph 2 of article 7 of this Agreement shall, subject to paragraph 3 of that article, be immune from Swedish immigration restrictions and requirements and from alien registration provided that:

(a) they produce a valid travel document, and

(b) they produce evidence of their official capacity issued by their Government or by the University or by the Organization, or the appropriate authorities are notified of their arrival.

Article 17

1 The Secretary-General shall from time to time send to the Government a list of all officials of the University, indicating in each case whether the individual is a citizen of Sweden. The Secretary-General may inform the Government of the appointment of officials of the University individually for addition to the list.
2 On notification of their appointment, the Government shall issue to an official of the University a card bearing the photograph of the holder and identifying him as an official of the University. This card shall be accepted by the appropriate authorities as evidence of identity and appointment.

Part VII
General provisions

Article 18
At the request of the Organization 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 Secretary-General and a duly authorized representative of the Government.

Article 19
Any dispute between the Organization and the Government concerning the interpretation or application of this Agreement or any question affecting the relations between the Organization and the Government 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 these arbitrators shall be chosen by the Secretary-General, one shall be chosen by the Government 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 Organization or of the Government, shall be chosen by the President of the International Court of Justice.

Article 20
1 This Agreement shall be approved by the Parties in accordance with their own procedures. It shall enter into force on an agreed date when the Parties have notified each other that the procedures necessary to this end have been completed.*

* The Agreement entered into force on 1 May 1983.
2 This Agreement may be terminated by agreement between the Organization and the Government. In the event of the University being moved from the territory of Sweden, this Agreement shall, after the period reasonably required for such transfer and for the disposal of the property of the University of Sweden, cease to be in force.

IN WITNESS WHEREOF the respective representatives have signed this Agreement.

DONE in duplicate at London this 9th day of February, 1983.

For the International Maritime Organization: For the Government of Sweden:

C.P. SRIVASTAVA LEIF LEIFLAND
Secretary-General Ambassador Extraordinary

and Plenipotentiary
AGREEMENT BETWEEN THE INTERNATIONAL MARITIME ORGANIZATION AND THE WORLD MARITIME UNIVERSITY CONCERNING THE PARTICIPATION OF WMU STAFF IN THE UNITED NATIONS JOINT STAFF PENSION FUND*

(Consolidated text prepared by the Secretariat reflecting amendments made on 22 November 2018.)

RECALLING Article 11 of the Convention on the International Maritime Organization† which authorizes the IMO Assembly to establish such subsidiary organs as it may at any time consider necessary;

RECALLING resolution A.501(XII) of 20 November 1981, by which it requested the Secretary-General to take all necessary action for the establishment of the World Maritime University;

RECALLING ALSO that the Charter of the World Maritime University‡ first took effect on 1 May 1983 and has been amended by the IMO Assembly over the years; the most recent amendments, adopted by resolution A.1130(30), and entered into force on 1 January 2018;

RECALLING that Article 3(a) of the Charter provides that WMU is established within the framework of IMO;

RECALLING that WMU participates in the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies;

* This consolidated text prepared by the Secretariat reflects amendments made on 22 November 2018 by mutual written agreement between the Parties in accordance with its article 11.2.
† See Basic Documents, Volume I.
‡ See page 69.
RECOGNIZING that the participation of WMU staff in the UNJSPF must be administered through IMO, with WMU as an “affiliated organization” of IMO;

RECOGNIZING that the administration of the participation of WMU staff in the UNJSPF shall have no budgetary implications for IMO and that all related costs shall be borne by WMU;

TAKING NOTE of the decision by the WMU Board of Governors at its thirty-fifth session in May 2017 authorizing the participation of WMU staff in the UNJSPF within the framework of IMO’s membership in the Fund; and the decision by the IMO Council at its 120th session in July 2018 authorizing IMO to administer the participation of WMU staff in the UNJSPF within the framework of IMO’s membership in the Fund;

Therefore, IMO and WMU agree as follows:

**Article 1**

*Object, purpose and general principles*

.1 In accordance with WMU’s affiliation to IMO, IMO will administer WMU staff in regard to their participation in the UNJSPF within the framework of its own agreement with the United Nations for the admission of IMO staff members into the UNJSPF.*

.2 Under this arrangement, WMU is not a separate member organization of the UNJSPF, but is represented by IMO.

.3 This arrangement shall have no budgetary implications for IMO and all related costs will be borne by WMU.

**Article 2**

*Legal framework*

.1 The participation of WMU staff in the UNJSPF, and any rights arising from such participation, shall be governed solely by the *Regulations, Rules and Pension Adjustment System of the UNJSPF* (the UNJSPF Regulations).

.2 Applications alleging non-observance of the UNJSPF Regulations concerning individual cases in respect of pension matters and arising from the participation of WMU staff members in the

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* See page 59.
UNJSPF shall be governed by section K of the Administrative Rules of the UNJSPF (Annex I to the UNJSPF Regulations) and article 48 of the UNJSPF Regulations. IMO shall assume no liability for non-observance of UNJSPF Regulations by WMU or its staff.

Article 3
Administration of WMU staff’s participation in UNJSPF

In order to achieve the object and purpose of this agreement, IMO will:

.1 set up all existing WMU staff members in the IMO SAP-HR system upon commencement of the affiliation and add new WMU staff members upon appointment by WMU;

.2 ensure that all master data received from WMU regarding its staff members is kept up to date and transfer the master data to the UNJSPF through the IMO HR/UNJSPF interface;

.3 monitor the timely completion by WMU staff members of all UNJSPF related documents for separations, validations, restorations of contributions and other entitlements and transmit them to the UNJSPF;

.4 send a pension payroll run report to WMU on the 17th or 18th of each month showing the employee’s and employer’s share in the total contribution payments for the month and the total amount to be paid by WMU to IMO;

.5 run the automatic interface of the pension payroll to the UNJSPF system at the end of each month; and

.6 provide adequate information to WMU staff members concerning the UNJSPF Regulations and its operation, as required.

Article 4
Role of IMO Staff Pension Committee

The IMO Staff Pension Committee (SPC) shall act as the Staff Pension Committee for WMU staff before the UNJSPF.
Article 5
Access to information

WMU shall promptly provide IMO direct access to all information and data as determined by IMO (in particular each staff member’s master data and relevant salary scales) and inform IMO of any changes to this information and data by the 4th of each month.

Article 6
Payment of contributions

.1 WMU shall accept all financial liability for any payments required under the UNJSPF Regulations which are related to WMU staff members. All payments to be made by WMU to IMO in this regard shall be treated as preferred debts which shall be satisfied immediately after payment of salaries due by WMU to its staff.

.2 WMU shall make all contribution payments required under the UNJSPF Regulations to IMO on a monthly basis and IMO shall receive the payments three working days before the end of each month.

.3 WMU shall be liable for any cost that may be incurred if IMO is deemed to be in default by the UNJSPF in accordance with article 8 of the agreement between the United Nations and IMO for the admission of IMO into the UNJSPF for reasons lying within the sphere of WMU.

Article 7
Additional resources in IMO

.1 IMO will recruit an additional staff member (Human Resources and Finance Assistant) in order to administer the additional responsibilities resulting from the implementation of this arrangement. The staff member will be appointed two months before WMU staff members join the UNJSPF in order to make the necessary preparations.

.2 The cost for this additional staff member shall be borne by WMU up to a maximum of 80% of the cost to employ an IMO staff member at the G6 grade.

* See page 59.
.3 WMU shall make the payment required under sub-paragraph 2 above in advance, based on a cost estimate provided by IMO for services required for each year. At the end of the year, WMU shall make all adjustment payments upon receipt of a payment request by IMO.

.4 WMU shall fund all other costs affiliated with its participation in the UNJSPF through IMO, including SAP configuration and maintenance costs for WMU participants in the UNJSPF and accrued leave and After Service Health Indemnities for persons retained pursuant to sub-paragraph .1, and other expenses;

.5 This funding arrangement is subject to review should the number of WMU staff to be administered through IMO rise in the future resulting in additional resource needs for IMO.

Article 8
Status of WMU staff members

For the purposes of this arrangement, WMU staff members will not at any time be deemed to be staff members of IMO. WMU staff members are recruited by WMU and are governed fully by the Staff Regulations and Rules of WMU.

Article 9
Focal points

.1 The dedicated WMU focal point for the implementation of this arrangement shall be the Head of Human Resources of WMU.

.2 The dedicated IMO focal point for the implementation of this arrangement shall be the Director of Administration.

Article 10
Dispute settlement

IMO and WMU shall settle amicably any dispute arising out of this arrangement. Any dispute not settled within 60 days shall be resolved through consultation between the heads of IMO and WMU.
Article 11
Notifications and amendments

.1 IMO and WMU shall notify the other in writing of any anticipated or actual material changes that shall affect the execution of this arrangement.

.2 IMO and WMU may amend these procedures by mutual written agreement subject to approval by the IMO Council and the WMU Board of Governors.

Article 12
Termination

.1 This arrangement may be terminated by agreement between IMO and WMU; or unilaterally by IMO in case of non-payment by WMU of any financial liabilities arising under this arrangement.

.2 Should the WMU and its staff fail to be accepted as members of the UNJSPF through IMO, this arrangement shall be null and void.

Article 12 bis
Indemnification

To prevent the unilateral termination by IMO described in article 12.1 from occurring, WMU agrees to indemnify IMO, through the provision of dedicated cash reserves and/or indemnity insurance sufficient to pay any outstanding financial liabilities under this Agreement. Indemnification payments shall commence for any liabilities more than 90 days past due.

Article 13
Entry into force

This agreement shall enter into force upon the last date of signature. Following its entry into force, WMU staff shall become participants in the Fund as soon as possible, prospectively as of 1 January 2019.

IN WITNESS WHEREOF, the duly authorized representatives of IMO and WMU have duly signed this agreement in duplicate on 22 November 2018 at London.
Agreement between IMO and WMU concerning UNJSPF

For the International Maritime Organization:

KITACK LIM
Secretary-General, IMO

For the World Maritime University:

CLEOPATRA DOUMBIA-HENRY
President, WMU
STATUTE OF THE IMO INTERNATIONAL MARITIME LAW INSTITUTE

With a view to providing suitably educated personnel in maritime law for the effective implementation of the maritime programmes of all Governments, particularly Governments of developing countries, in accordance with international regulations and standards for maritime safety and pollution prevention,

THE IMO INTERNATIONAL MARITIME LAW INSTITUTE

is hereby established to operate in accordance with the present STATUTE.

I

Definitions

Article 1

In this Statute

Institute means the IMO International Maritime Law Institute.

Organization or IMO means the International Maritime Organization.

Convention means the Convention on the International Maritime Organization.

Secretary-General means the Secretary-General of the Organization.

Council means the Council of the Organization.

Governing Board means the Governing Board of the Institute.

Director means the Director of the Institute.

Academic Committee means the Academic Committee of the Institute.

* See Basic Documents, Volume I.
Financial and Human Resources Committee means the Financial and Human Resources Committee of the Institute.

Regulations mean the regulations of the Institute.

II
Objectives and functions

Article 2
(a) The International Maritime Law Institute shall be an international postgraduate education and research Centre of Excellence for specialists in maritime law and the development and dissemination of knowledge and expertise in international maritime law and the general law of the sea, with special reference to the international rules, regulations and procedures for the safety, security and efficiency of international shipping, protection of the marine environment and rights of seafarers, in particular those developed under the auspices of IMO.

(b) The Institute shall encourage research and other appropriate programmes for the development and dissemination of knowledge and skills in international maritime law and maritime legislation for developing countries in particular and the world maritime community in general.

Article 3
The Institute and all who are directly associated with it shall act in accordance with the spirit and provisions of the Convention and the relevant provisions and principles of the Charter of the United Nations.

Article 4
Pursuant to the foregoing, the Institute may:

(a) provide postgraduate education to persons with the requisite academic or professional qualifications in all aspects of maritime law and legislation, including skills in the preparation, drafting of international instruments and their implementation into national legislation;

(b) conduct or encourage research and appropriate studies in maritime law and legislation and general law of the sea; and
contribute to ongoing studies and discussions on techniques and procedures for education and manpower development in maritime law; the formulation of national and international regulations and principles in maritime law, and the planning and development of procedures and arrangements regarding education in maritime law and legal education in general.

Article 5

The Institute shall engage in teaching and student mentoring, research and scholarship, and outreach to build capacity on behalf of the maritime community. In accordance with this Statute, the Institute shall have the power to:

(a) prescribe the conditions under which persons may be admitted to courses of study therein and certified as having successfully completed such courses;

(b) determine the fields and subjects in which instruction may be given, and research or studies may be undertaken; and make appropriate provision for the advancement and dissemination of knowledge in such fields and subjects;

(c) grant and confer degrees, diplomas, certificates and other academic distinctions to and on persons, under conditions laid down for that purpose in the relevant regulations of the Institute;

(d) revoke any such degrees, diplomas or certificates or other distinctions for what the Institute may deem to be good cause;

(e) prescribe the disciplinary provisions governing persons receiving instruction or undertaking courses of study or research at the Institute;

(f) provide lectures and instruction for persons who are not students of the Institute, and grant appropriate diplomas and certificates to such persons, as may be provided for in the regulations;

(g) cooperate, by means of joint programmes and ventures or in other suitable ways, with universities or other appropriate institutions for the conduct of examinations and for such other purposes as the Institute may from time to time determine;

(h) confer honorary degrees and other distinctions, subject to such provisions as may be provided for in the regulations;
(i) institute professorships or any other offices of any kind, whether academic or not, as may be required by the Institute; appoint persons to and remove them from such offices and prescribe their conditions of service;

(j) recognize the results of examinations and periods of study successfully achieved by students and fellows of the Institute at universities or other institutions of learning as being equivalent to such examinations and periods of study in the Institute as may be determined, and withdraw such recognition at any time;

(k) publish and circulate the results of research and studies, including the printing and publication of material which may be issued under the imprimatur of the Institute;

(l) make provision for advisory services and, for this purpose, enter into such relations with other institutions or bodies as may be considered desirable;

(m) institute and award fellowships, studentships, scholarships, exhibitions, bursaries and prizes;

(n) contribute appropriately to the efforts to mobilize international cooperation in the further development, unification and codification of international maritime law;

(o) organize conferences, seminars, workshops, exhibitions and panels;

(p) maintain, manage, deal with, dispose of and invest the property, money, assets and rights of the Institute and enter into engagements and accept obligations and liabilities;

(q) act as trustees or managers for any property, legacy, endowment, bequest or gift for purposes in furtherance of the work and welfare of the Institute, and invest any funds representing such property, legacy, endowment, bequest or gift, if not immediately required, on such security as the Institute may deem fit; and

(r) do and perform all other acts that may be considered necessary, suitable and proper for the attainment of any or all of its objectives.

Article 6
The Institute shall enjoy autonomy within the framework of the Organization. It shall also enjoy the academic freedom required for the achievement of its objectives, with particular reference to the choice of subjects and methods of education and training and the freedom of expression. Subject to its primary objective to assist developing countries, the Institute shall enjoy freedom in
the selection of the individuals and institutions to share in its tasks and in decisions on the use of the financial resources allocated for the execution of its functions.

Article 7
No religious, racial or political requirement shall be imposed upon any person in order to entitle him or her to be admitted as a professor, teacher, student or fellow of the Institute or to hold office therein or to graduate therefrom or to hold any advantage or privilege thereof.

Article 8
Men and women shall be equally eligible for any office or appointment in the Institute and for membership of any of its constituent bodies. All degrees and courses of study in the Institute shall be open to men and women on an equal footing. To encourage equitable participation by women, 50 per cent of the places in each regular course of the Institute shall be reserved for women candidates, provided that the necessary numbers of women candidates with the required entrance qualifications are available for each particular course.

III
Organizational framework

Article 9
The Institute shall have a Governing Board, an Academic Committee, a Financial and Human Resources Committee, a Director and such other personnel of the Institute as may be appointed in accordance with this Statute.

IV
The Governing Board

Article 10
(a) The Governing Board shall be composed of not more than 20 members, appointed on a broad geographical basis with due regard to major legal systems of the world, with expertise in areas including finance, fund-raising and academic development, as well as with recognized expertise in maritime
law and related maritime fields. Governing Board members shall serve in a personal capacity.

(b) The Secretary-General shall be ex officio Chairman of the Governing Board.

(c) Members of the Governing Board shall be appointed by the Secretary-General, in accordance with the criteria and guidelines referred to in paragraph (a) above.

(d) Two representatives of the Government of Malta shall be invited to serve as ex officio members of the Governing Board. With the agreement of the Governing Board, representatives of other agencies, organizations and programmes of the United Nations system may be invited to attend meetings of the Governing Board as observers.

(e) All Governing Board members, other than the ex officio members, shall be appointed for two-year terms. Governing Board members who demonstrate an active contribution to the work of the Governing Board may be re-appointed.

Article 11

The Governing Board shall:

(a) adopt the regulations of the Institute;

(b) approve the principles and policies which govern the activities and operations of the Institute;

(c) consider and approve the plan of work and the budget of the Institute proposed by the Director in consultation with the Secretary-General;

(d) decide upon the establishment of training, research and other programmes of the Institute, and adopt standards for the operation and further development of such programmes;

(e) consider and take appropriate action on the reports of the work of the Institute which may be submitted to it pursuant to the provisions of this Statute or the regulations;

(f) issue such directives and take or approve such measures, within the framework of this Statute, as may be necessary for the operation of the Institute;
(g) make such recommendations as it may deem necessary or desirable for the effective functioning of the Institute;

(h) report annually through the Secretary-General to the Council on the work of the Institute;

(i) adopt the Rules of Procedure of the Board; and

(j) establish such subsidiary bodies as it deems necessary.

**Article 12**

The Governing Board shall meet at least once a year upon the summons of the Chairman.

**Article 13**

The Governing Board shall consider methods of financing the Institute with a view to ensuring its sustainability, the effectiveness and continuity of its operations and the autonomous character of the Institute within the framework of the Organization. It shall have the power to consider and approve, as necessary, arrangements under which institutions and individuals may be associated with the work of the Institute, and the criteria for such arrangements, having regard to the need to ensure the maintenance of the highest academic and professional standards.

**V**

*The Academic Committee*

**Article 14**

The Academic Committee shall be appointed by the Governing Board with such composition as the Governing Board may determine. It shall be presided over by the Director. The Academic Committee shall assist the Governing Board and the Director in the coordination and implementation of the study and research programme of the Institute.
VI
The Financial and Human Resources Committee

Article 15
The Financial and Human Resources Committee shall be appointed by the Governing Board with such composition as the Governing Board may determine. It shall be presided over by a Board Member appointed by the Secretary-General. The Financial and Human Resources Committee shall assist the Governing Board and the Director on the funding and finances of the Institute and on administrative matters, including personnel.

VII
The Director

Article 16
(a) The Director of the Institute shall be appointed by the Secretary-General.

(b) The initial term of the Director shall be four years and he/she shall be eligible for reappointment for similar further terms. The conditions of service of the Director shall be determined by the Governing Board on the proposal of the Secretary-General. The Secretary-General may terminate the Director’s appointment before it has expired for failure to properly execute the duties of the office or otherwise in the best interest of the Institute.

(c) Under the overall supervision of the Secretary-General and the control and direction of the Governing Board, the Director shall direct and administer the Institute, and exercise responsibility for the administration and organization of the programmes of the Institute and the control of its personnel, in accordance with general policies and criteria formulated or approved by the Governing Board. The Director shall, inter alia,

(i) prepare, in consultation with the Secretary-General, the plan of work and the budget estimates of the Institute for submission to the Governing Board for consideration and approval;

(ii) direct the activities connected with the execution of the teaching and research programmes of the Institute and authorize expenditure of funds provided in the budget approved by the Governing Board;
(iii) recommend, in consultation with the Secretary-General, to the Governing Board the establishment of such advisory bodies as may be necessary;

(iv) recommend, in consultation with the Secretary-General, to the Governing Board arrangements between the Institute and Governments and international or national organizations under which assistance and services related to the activities of the Institute may be offered or received;

(v) coordinate, in consultation with the Secretary-General, the educational and other programmes of the Institute with the activities of the Organization and, as appropriate, the United Nations and its agencies;

(vi) report to the Governing Board on the activities of the Institute and the execution of its programmes, in accordance with procedures established or approved by the Governing Board for that purpose; and

(vii) provide the necessary services to the Governing Board, the Academic Committee, and the Financial and Human Resources Committee.

VIII
Personnel

Article 17

The academic and administrative personnel of the Institute shall be selected and appointed with due regard to the objectives of the Institute as enshrined in this Statute. The basic criteria for selection shall be the highest standards of expertise, competence and integrity, with due regard to equitable and appropriate representation in terms of geography, social systems, educational, legal and cultural traditions and gender.

Article 18

1 The personnel of the Institute shall consist of:

(a) academic personnel;

(b) senior administrative personnel;
(c) other administrative and supporting personnel; and
(d) persons undergoing instruction or participating in courses or other activities of the Institute.

2. The assignment of personnel to each of the categories mentioned in this article shall be made in accordance with the applicable provisions of the regulations.

3. In the performance of their duties, the Director and the personnel of the Institute shall not seek or receive instructions from any Government or from any other authority external to the Organization.

Article 19

1. The academic personnel of the Institute shall be composed of:
   (a) the Director;
   (b) professors and other teachers or instructors appointed in accordance with this Statute or the applicable provisions of the regulations; and
   (c) visiting professors, visiting lecturers, consultants and experts.

2. The senior administrative personnel of the Institute shall be those persons appointed as such in accordance with this Statute or the applicable provisions of the regulations.

Article 20

All members of the academic personnel shall enjoy, in relation to their work in or for the Institute, the academic freedom guaranteed by article 6 of this Statute, and by any other relevant regulations.

Article 21

(a) Except as otherwise provided in the regulations, the academic and administrative personnel of the Institute shall be governed by Staff Regulations and Rules established by the Secretary-General with the approval of the Governing Board.

(b) Subject to agreements and arrangements established by the Secretary-General, the Director and the academic and senior administrative personnel shall be accorded the status of officials of the Organization within the meaning of the Convention on the Privileges and Immunities of the
Specialized Agencies* of 21 November 1947; the personnel referred to in paragraph (c) of article 19 shall be accorded the status of experts of the Organization within the meaning of the aforesaid Convention, including its Annex XII, as applicable to the Organization.†

**Article 22**

The personnel of the Institute shall be responsible to the Director in the exercise of their functions.

**Article 23**

The academic and senior administrative personnel of the Institute referred to in subparagraphs (a) and (b) of paragraph 1 of article 18 of this Statute shall be appointed by the Chairman of the Governing Board on the recommendation of the Director.

**Article 24**

The personnel of the Institute, other than the personnel referred to in article 23 above, shall be appointed by the Director. Such personnel shall enjoy such status, privileges and immunities as may be provided in the relevant agreements.

**IX Finance and budget**

**Article 25**

The Financial Rules of the Institute shall be established by the Secretary-General with the approval of the Governing Board.

**Article 26**

The Director shall prepare the budget estimates for the Institute in consultation with the Secretary-General and in such a manner as may be prescribed by the Governing Board. The estimates shall be submitted to the Governing Board.

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* See page 3.
† The reference should read “subparagraph (c) of paragraph 1 of article 19” (typographical error in original document).
for consideration. The budget, as approved by the Governing Board, shall be reported to the Council together with the comments of the Governing Board.

**Article 27**
The Governing Board may establish a Fund or Funds for the Institute for such purposes and under such terms and conditions as may be specified.

**Article 28**
Funds administered by or for the Institute shall be subject to audit by the External Auditor of the Organization.

**Article 29**
The administrative, financial and other services of the Organization may be utilized by the Institute, on conditions determined in consultation between the Secretary-General and the Director, provided that no extra cost is incurred to the regular budget of the Organization as a result of the utilization of such services by the Institute.

**X**
*Location*

**Article 30**
The Institute shall be located in Malta.

**XI**
*Status and authority*

**Article 31**
The Institute shall operate within the administrative framework of the Organization. Accordingly the Institute shall, subject to such other arrangements as may be made by the Secretary-General with the approval of the Council, enjoy the status, privileges and immunities provided in the Convention on the Privileges and Immunities of the Specialized Agencies*

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* See page 3.
of 21 November 1947, including Annex XII thereof, and in other relevant international agreements and resolutions relating to the status, privileges and immunities of the Organization. Subject to such procedures as may be established by the Secretary-General in consultation with the Secretary-General of the United Nations, the Director and the academic and senior administrative personnel travelling on the official business of the Institute may be provided with the appropriate United Nations travel documents.

XII

Dissolution

Article 32

1 The Institute may be dissolved by decision of the Council if it is determined that the purposes and activities of the Institute have been satisfactorily accomplished or that the Institute will no longer be able to function effectively.

2 In the event of such dissolution, the funds and assets remaining to its accounts shall be used as the Council may direct except as may otherwise be provided in the terms of any contributions accepted in furtherance of the activities of the Institute.

XIII

Amendments

Article 33

(a) Amendments to the present Statute may be made by the Council, on the proposal of the Secretary-General.

(b) At the request of the Governing Board, or in consultation with it, the Secretary-General may propose amendments to this Statute.
XIV
Operative date

Article 34
The Institute was founded in accordance with the Statute as originally adopted and which came into effect on 28 July 1988. This amended Statute takes effect on 1 July 2013.
AGREEMENT RELATING TO THE
IMO INTERNATIONAL MARITIME
LAW INSTITUTE

THE INTERNATIONAL MARITIME ORGANIZATION (hereinafter referred to as “the Organization”) and the Government of Malta (hereinafter referred to as “the Government”),

DESIRING to give effect to the establishment and location of the IMO International Maritime Law Institute (hereinafter referred to as “the Institute”);

HAVE concluded this Agreement concerning the contribution of the Government towards the realization of the objectives of the Institute and matters related to the operation of the Institute in general.

1 The Government will make available to the Organization, free of charge, premises and related facilities for use by the Organization for the purposes of the Institute or in connection with such purposes. The premises shall include flats for the use of at least 20 students and 3 visiting professors of the Institute. The premises and flats shall be equipped with supplies of electricity, water and appropriate installations for toilet, hygiene and sewage disposal.

2 At the request of the Secretary-General of the Organization, the Government shall make available such additional premises and related facilities (including the extension or adaptation of buildings, building parts, facilities and auxiliary devices) as are reasonably required for the legitimate needs of the Institute. Additional facilities shall be provided on the same terms and conditions as specified in this Agreement.

3 The Government shall bear all costs of maintenance and repairs.

4 Persons using the flats under this Agreement shall have access to related services in the form of catering, cleaning and laundry, including access to other common services and recreation facilities. The Government shall use its best endeavours to secure for the persons using the flats under this Agreement the necessary facility to obtain meals at the University of Malta at the most favourable subsidized rates.
5 The authorities of the Government undertake to take the necessary measures to ensure that the students and other personnel of the Institute using the flats are supplied with the above-mentioned facilities and services and are able to utilize such facilities and services without disturbance or interruption.

6 The Secretary-General of the Organization shall take reasonable steps to ensure that the students and other personnel of the Institute using the flats keep the premises and the equipment and materials therein in good order and condition. The cost incurred in making good any damage to the premises or installations caused by the students or other personnel of the Institute, except damage arising from reasonable wear and tear, shall be borne by the Institute.

7 The premises and related facilities made available under this Agreement shall not be used for any purposes which are not reasonably connected with or needed for the purposes of the Institute, except with the prior approval of the competent authorities of the Government.

8 Subject to any exemptions, privileges, immunities, special benefits or rights accorded to or otherwise available to the Institute, the Secretary-General of the Organization shall take reasonable steps to ensure the observance of applicable Maltese laws and local regulations in the use of all premises and related facilities of the Institute.

9 The Secretary-General of the Organization or any other person or body duly authorized by or under the statute of the Institute shall have the power to establish regulations and rules for application in the premises and related facilities of the Institute.

10 Officials or other persons acting under the authority of the Maltese Government shall be admitted to the premises and related facilities of the Institute only on terms and conditions agreed with the Secretary-General of the Organization.

11 The Institute and personnel connected therewith shall enjoy immunities and privileges as set out in this article:

(a) The Director and senior officials of the Institute and officials of the Organization and experts on mission for the Organization, performing functions in connection with the Institute shall enjoy the privileges and immunities provided under articles V, VI, VII and VIII of the Convention on the Privileges and Immunities
of the Specialized Agencies* and Annex XII thereto relating to the Organization. Senior officials of the Institute are those officials who shall be designated by the Secretary-General of the Organization and accepted as such by the Government.

(b) The Members of the Board of the Institute and observers invited by the Board to participate ad hoc who are not officials of the Organization, shall enjoy the privileges and immunities provided for experts on mission for the Organization under articles VI and VII of the Convention on the Privileges and Immunities of the Specialized Agencies* and Annex XII thereto.

(c) Other personnel of the Institute, including honorary fellows, visiting professors, lecturers, consultants, junior fellows and trainees shall be granted such status and facilities, including transit to and from the Institute, as may be required for the performance of their functions in connection with the Institute. Such persons shall enjoy immunity from legal process in Malta in respect to words spoken or written and all acts performed by them in connection with their functions at the Institute.

(d) Without prejudice to the Convention on the Privileges and Immunities of the Specialized Agencies*, the Government undertakes to accord to all members of the Board, officials of the Organization and personnel of the Institute such facilities and courtesies as may be required for the independent exercise of their functions in connection with the Institute.

(e) All persons referred to in this article and all individuals travelling on official business at the invitation of the Institute shall have the right to enter and leave Malta and to remain in its territory, as necessary, for the performance of their functions in connection with the Institute; they shall be accorded facilities for speedy travel and visas which, if needed, shall be issued to them promptly and free of charge.

(f) The Institute may import and export scientific apparatus and equipment, educational materials or articles, supplies and other necessary equipment free of restrictions, prohibitions, customs duties and taxes. The Director and senior officials of the Institute resident in Malta may import items for their household, including a motor car, free of restrictions, prohibitions, customs duties and taxes. It is understood, however, that such articles and goods

* See page 3.
shall not be sold or traded in Malta except in accordance with conditions provided by law or agreed to by the Government.

(g) Nothing in or relating to the provisions of any article in this Agreement shall be deemed as a waiver of the privileges and immunities of the Organization.

12 This Agreement shall remain in force for the period during which the facilities under the Agreement are required in Malta for the students or other personnel of the Institute.

13 Upon termination of the Agreement, the Secretary-General of the Organization shall have the right to remove any furniture, articles and equipment which have been brought into the premises and related facilities by or on behalf of the Institute, provided that unreasonable damage to buildings or building parts shall be avoided in removing any such furniture, articles and equipment.

14 Any dispute as to the interpretation or application of this Agreement which is not settled by negotiation or in some other way agreed upon, shall be submitted for final decision to a tribunal of three arbitrators. One of the arbitrators shall be chosen by the Secretary-General of the Organization, one by the competent authorities of the Government and the third, who shall act as chairman of the tribunal, shall be chosen by the first two arbitrators. If the first two arbitrators fail to agree upon the choice of the third within one year from the time when they are appointed, the third arbitrator shall, at the request of either the Secretary-General of the Organization or the authorities of the Government, be chosen by the President of the International Court of Justice.

Done in the city of London, this thirteenth day of May 1988.

For and on behalf of the Government of Malta: For and on behalf of the International Maritime Organization:

DR. J.M. FENECH C.P. SRIVASTAVA
Parliamentary Secretary Secretary-General
for Maritime and other Affairs
Ministry for Development
of Tertiary Sector
Appendix

Attorney-General’s Office
The Palace
Valletta

I, Dr Carmelo Testa LL.D., Attorney-General, hereby certify that Dr Joseph Fenech LL.D., M.P., Parliamentary Secretary for Maritime Affairs, has been duly authorized by the Prime Minister of Malta to sign on behalf of the Government of Malta the agreement between the Government of Malta and the International Maritime Organization (IMO) concerning the establishment and location of the IMO International Maritime Law Institute in Malta.

C. Testa
Attorney-General
10 May 1988
The Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) was established by the Parties to the Barcelona Convention as a Regional Centre and is hosted in Malta by the Maltese Government. It operates on the basis of decisions taken and activities determined by the Contracting Parties to the Barcelona Convention, and is administered by IMO as a result of legal arrangements between UNEP and IMO (formerly IMCO) undertaken in 1976. These arrangements were undertaken by the Executive Director of UNEP on the basis of the mandate given by the Diplomatic Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea, convened in Barcelona, Spain, 2–16 February 1976.

RESOLUTION 7 OF THE
DIPLOMATIC CONFERENCE
“ESTABLISHMENT OF A REGIONAL
OIL-COMBATING CENTRE FOR
THE MEDITERRANEAN”

THE CONFERENCE,

CONSCIOUS of the ever-present and growing threat to the Mediterranean environment from massive oil pollution whether caused by accident or through accumulation,

REALIZING the lack of regional contingency plans for coordinated action for the prevention, control and combating of oil spills, especially in cases of emergencies,

RECOGNIZING the need to develop and strengthen the capacities of the coastal States of the Mediterranean and to facilitate cooperation among them in order to deal effectively with cases of massive pollution,

NOTING that the Protocol on Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency makes provision for a Regional Centre within the Mediterranean for the execution of some of the functions required by that Protocol,

NOTING ALSO the consensus reached, at the Consultation of Experts from Mediterranean States convened by the United Nations Environment Programme at Malta in September 1975, on the advisability of the establishment of a Regional Centre and on the objectives and functions of such a Centre,

HAVING CONSIDERED the report of the Executive Director of the United Nations Environment Programme, prepared in cooperation with the Intergovernmental Maritime Consultative Organization, on the Establishment of
TAKING INTO CONSIDERATION the comments and observations made by various delegations during the discussion of the above-mentioned report,

1. DECIDES to accept the offer of the Government of the Republic of Malta to host such a Regional Centre.

2. REQUESTS the Executive Director of the United Nations Environment Programme, after consultations with the Government of Malta and the Inter-Governmental Maritime Consultative Organization, to assist in the early establishment of a Regional Oil-Combating Centre in Malta having the objectives and functions set out in the annex to this resolution.

3. WELCOMES the intention of the Executive Director of the United Nations Environment Programme to entrust to the Inter-Governmental Maritime Consultative Organization the functions and responsibility as Cooperating Agency for the establishment and operation of the aforesaid Regional Centre, it being understood that the exercise of functions and responsibilities by IMCO should not lead to an increase in its budget;

4. AS A CONSEQUENCE REQUESTS the Executive Director of the United Nations Environment Programme to submit, in the light of comments made at the Conference of Plenipotentiaries, a report on the establishment of the Regional Oil-Combating Centre to the Governing Council of UNEP at its fourth session and to seek to obtain such further authorization from the Council as he may need to draw on the Fund of UNEP for the purpose of defraying the expenses involved in the establishment and initial operating costs of the centre. This authorization might be requested on the assumption that the operating expenses of the Centre will be gradually defrayed by means of voluntary multilateral or individual contributions from governments of the Mediterranean Region, from international organizations and from non-governmental organizations. The financing of the centre should be reviewed at the meeting of the Contracting Parties to the Convention and the appropriate Protocol, when these instruments have entered into force;

5. FURTHER REQUESTS the Executive Director of the United Nations Environment Programme to report to the coastal States of the Mediterranean region at the next intergovernmental meeting of these States and thereafter annually on the work and activities of the Centre.

Annex

Objectives and functions of a regional oil-combating centre

I

Objectives

1 To strengthen the capacities of the coastal States in the Mediterranean region and to facilitate cooperation among them in order to combat massive pollution by oil, especially in case of emergencies in which there is grave and imminent danger to the marine environment.

2 To assist coastal States of the Mediterranean region, which so request, in the development of their own national capabilities to combat oil pollution and to facilitate information exchange, technological cooperation and training.

3 A later objective, namely the possibility of initiating operations to combat pollution by oil and eventually by other harmful substances at the regional level, can be considered. This possibility should be submitted for approval by governments after evaluating the results achieved in the fulfilment of the previous two objectives and in the light of financial resources which could be made available for this purpose.

II

Functions

A To collect and disseminate information on:

   i Inventories of experts and equipment in each coastal State for combating massive accidental spillages of oil;

   ii Plans, methods and techniques used for combating oil pollution in order to assist as far as necessary countries of the region in the preparation of their national contingency plans;

   iii Those areas in the Mediterranean which are especially vulnerable to oil pollution and, with reference to these areas, specification of clean-up methods which can be used with minimum environmental damage in such areas.
B IMO Regional Centre

B To prepare and keep up to date, in the light of information collected, emergency plans that could be implemented:

i In cases of massive oil pollution where there is an absence of bilateral or multilateral agreements between coastal States;

ii In sectors of the Mediterranean, yet to be identified, where the risk of massive accidental oil pollution is high or where the capability for prompt counter-action in times of emergency does not presently exist.

C To develop and maintain a Communications/Information system appropriate to the needs of States being served by the Centre.

D To develop and encourage technological cooperation and training programmes for combating oil pollution.

E To assist in strengthening the IRS by developing the capacity to serve as a sectoral focal point which could collect data on the sources of information available in connexion with oil pollution with special emphasis on dealing with massive spills of oil and will make that data available.

F To develop and maintain close working relationships with other Mediterranean regional activity centres and with the “specialized regional organisms” which play a coordinating role as set forth in the Barcelona Action Plan,* particularly with the scientific institutions with the region.

G To cooperate in all appropriate activities which are directed towards the prevention and reduction of pollution in the Mediterranean resulting from oil spills.

* UNEP/WG.2/5, Annex.
AGREEMENT BETWEEN THE
GOVERNMENT OF MALTA AND THE
INTERNATIONAL MARITIME ORGANIZATION
CONCERNING THE REGIONAL MARINE
POLLUTION EMERGENCY RESPONSE CENTRE
FOR THE MEDITERRANEAN SEA

THE PARTIES TO THE PRESENT AGREEMENT:

NOTING that the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (hereinafter referred to as “the Centre”) has been established in Malta and is to be operated within the administrative framework of the International Maritime Organization (hereinafter referred to as “the Organization”);

RECALLING that the Government of Malta (hereinafter referred to as “the Government”) is a Party to the Convention on the Privileges and Immunities of the Specialized Agencies* of the United Nations, including its Annex XII (as revised) (hereinafter referred to as “the Convention”);

DESIRING to ensure by means of a supplemental agreement that the legal status as well as the content of certain privileges, concessions and courtesies and the measures for their implementation by the Government and the Organization should be defined;

HAVE AGREED as follows:

Article 1

1 The Government shall in relation to all matters pertaining to the operation of the Centre apply to the Organization all the provisions of the Convention, where applicable. In particular it is agreed that:

(a) Property, assets and funds held by or for the use of the Centre shall be deemed to be the property, assets and funds of the

* See page 3.
Organization, provided that property and assets do not include the premises and grounds housing the Centre which premises and grounds shall always remain the property and assets of the Government;

(b) Persons visiting the Centre for the purpose of performing official business in connection therewith for or on behalf of any Government shall be deemed to be “representatives” within the meaning of Article V of the Convention;

(c) All personnel engaged by the Organization for service with the Centre, with the exception of those who are recruited locally and assigned to hourly rates, shall be deemed to be “officials” of the Organization, within the meaning of Article VI of the Convention and shall, in that capacity, enjoy exemptions from taxation in respect of salaries and emoluments paid to them by the Organization, provided however that the Government shall not be required to apply the provisions of sections 20 and 21 of Article VI of the Convention to officials who are nationals of Malta or ordinarily resident in Malta;

(d) Experts, consultants and specialists appointed for work in or in connection with the Centre shall be deemed to be “experts” within the meaning of paragraph 2 of Annex XII of the Convention applicable to the Organization;

(e) The Centre shall be entitled to display its flag and emblem and the flag and emblem of the Organization on the premises and means of transport of the Centre;

(f) The Government shall take all reasonable measures to protect the premises of the Centre against any intrusion or damage and to prevent any disturbance of the peace of the Centre or impairment of its dignity;

(g) The inviolability conferred by Article III, Section 6, of the Convention extends to all archives, correspondence, documents, manuscripts, photographs, films and recordings belonging to or held by the Centre and to all information contained therein;

(h) The immunity conferred by Article III, Section 5, of the Convention extends to the means of transport of the Centre.

2 Except as otherwise provided in this Agreement or in the Convention, the law of Malta shall apply within the premises of the Centre, provided that the Organization or the Centre may establish any regulations necessary for
the execution of the functions of the Centre, including rules of international administrative law and the terms of contracts of employment governed by the law. These regulations shall be operative within the premises of the Centre and no law of Malta which is inconsistent therewith shall be enforceable within those premises. Any dispute between the Organization and the Government as to whether a regulation of the former is authorized by this paragraph or as to whether a law of Malta is inconsistent with any regulation authorized by this paragraph shall be promptly settled as provided in Article 8 of this Agreement.

3 No official of the Government or person exercising any public authority, whether administrative, judicial, military or police, shall enter the premises of the Centre except with the express consent of the Director of the Centre, under conditions approved by the Secretary-General of the Organization (hereinafter referred to as the “Secretary-General”). No service of execution of any legal process whatsoever, irrespective of whether the Organization is named as defendant, or any ancillary act such as the seizure of private property, shall take place within the premises of the Centre except with the express consent of and under conditions approved by Secretary-General.

4 Notwithstanding the applicable terms of the Agreement, the Centre shall not permit its premises to become a refuge from justice for persons who are avoiding arrest or service of legal process or against whom an order of extradition or deportation has been issued by the appropriate authorities.

5 Nothing in this agreement shall prevent the reasonable application by appropriate authorities of measures for the protection of premises against fire.

Article 2

The Government grants to the Organization and the Organization accepts from the Government the use and occupation as the Headquarters of the Centre the premises and related grounds at Manoel Island, as described in Document A attached to this Agreement, at the token rent of one Maltese lira per annum; provided however that in the event the premises and grounds at Manoel Island are at any time required by the Government for any use or purpose whatsoever the Government undertakes to provide equally suitable premises in some other place in Malta before the said premises and grounds at Manoel Island at present housing the Centre are taken over by the Government.
Article 3

1. The appropriate authorities of the Government shall impose no impediment to the transit to and from the premises of the Centre of any of the persons referred to in Article 1 above or any other persons having official business with the Centre. The Government undertakes to authorize entry into Malta without charge for visas of all such persons for the term of their business with the Centre.

2. The provisions of the preceding paragraph shall be applicable irrespective of the relations existing between the Government of the persons referred to and the Government of Malta and are without prejudice to any special immunities to which such persons may be entitled. They shall not prevent the requirement of reasonable evidence to establish that persons claiming the afore-mentioned rights come within the classes described, nor the reasonable application of international quarantine and public health regulations.

3. The Secretary-General or the Director of the Centre shall inform the Government, in advance of their arrival in Malta, of the names of persons travelling to Malta on the business of the Centre, to enable the Government to implement the provisions of this article as well as Article 5 of this Agreement.

Article 4

1. Without prejudice to the exemptions accorded by Article III, Sections 9 and 10 of the Convention and without any limitation of these exemptions, the Organization shall, in respect of the Centre, be exempt from:

   (a) tax on income;

   (b) value added tax and other indirect taxes on articles purchased or services rendered for the official use of the Centre to the extent accorded under the law of Malta to foreign diplomatic missions in Malta; and

   (c) social security contributions.

2. The exemption conferred by Article III Section 9(b), of the Convention extends to customs duties and any taxes or charges imposed upon or by reason of importation and the procedures in connection therewith, excepting charges for storage, cartage and similar services. At the request of the appropriate authorities the Centre shall provide written certification that any particular import or export is for its official use.
Agreement with Malta regarding REMPEC

3 In the event of the introduction of taxes other than those referred to in this article, the Organization and the Government shall determine the applicability of the Convention to such taxes.

Article 5

1 Officials of the Centre and members of their families forming part of their respective households, provided that they are not citizens of Malta, shall be exempt from customs duties and any taxes or charges (except charges for storage, cartage and similar services) imposed upon or by reason of the importation of articles (including a motor car) intended for their personal use or for their establishment at the time of taking up their post in Malta. Such articles shall normally be imported within six months of first entry of such persons into Malta.

2 The Director of the Centre and senior officials designated as such by the Secretary-General and agreed by the Government, provided they are not citizens of Malta, shall be exempt from:

   (a) tax arising outside Malta;
   (b) value added tax and other indirect taxes on articles imported or purchased or services rendered for their personal use or for their establishment, to the extent accorded under the law of Malta; and
   (c) social security contributions with respect to services rendered for the Centre.

3 In the event of the introduction of taxes other than those referred to in this Article, the Organization and the Government shall determine the applicability of this Agreement to such taxes.

Article 6

1 Any official of the Centre who presents a valid United Nations laissez-passer issued in accordance with Article VII, Section 26, of the Convention and identifying him as an official to the Centre shall, subject to paragraph 2 of Article 3 of this Agreement, be immune from Maltese immigration restrictions and requirements and from alien registration.* Members of the family forming part of the official’s household who travel with him and

* “Article VII” should read “Article VIII” (typographical error in original document).
present satisfactory evidence of identity shall be similarly treated. No such official shall require a visa of entry into Malta.

2 Officials of the Centre who do not present a United Nations laissez-passer shall not be exempt from the laws of Malta regarding passports and visas. They shall, however, subject to paragraph 2 of Article 3 of this Agreement, be immune from Maltese immigration restrictions and requirements and from alien registration provided that:

(a) they produce a valid travel document; and
(b) they produce evidence of their official capacity issued by their Government or by the Centre or by the Organization, or the appropriate authorities are notified of their arrival.

3 Persons other than such officials who have business with the Centre shall, subject to paragraph 2 of Article 3 of this Agreement, be immune from Maltese immigration restrictions and requirements and from alien registration provided that:

(a) they produce a valid travel document; and
(b) they produce evidence of their official capacity issued by their Government or by the Centre or by the Organization, or the appropriate authorities are notified of their arrival.

Article 7

1 The Secretary-General shall inform the Government of the appointment of the Director of the Centre. The Director of the Centre shall communicate to the Government a list of all officials of the Centre, and additions to the list as necessary, indicating in each case whether the individual is a citizen of Malta.

2 On notification of their appointment, the Government shall issue to the Director and every official of the Centre a card bearing the photograph of the holder and identifying the bearer as an official of the Centre. This card shall be accepted by the appropriate authorities as evidence of identity and appointment.

Article 8

At the request of the Organization 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 Secretary-General and a duly authorized representative of the Government.
Article 9

Any dispute between the Organization and the Government concerning the interpretation of application of this Agreement or any question affecting the relations between the Organization and the Government 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 these arbitrators shall be chosen by the Secretary-General, one shall be chosen by the Government 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 Organization or of the Government, shall be chosen by the President of the International Court of Justice.

Article 10

This Agreement shall be interpreted in the light of its primary purpose of enabling the Centre at its Headquarters in Malta fully and efficiently to discharge its responsibilities and fulfill its purposes.

Article 11

1. This Agreement shall be approved by the Parties in accordance with their own procedures. It shall enter into force upon signature by both Parties.

2. This Agreement may be terminated by agreement between the Organization and the Government. In the event of the Centre being moved from the territory of Malta, this Agreement shall, after the period reasonably required for such transfer and for the disposal of the property of the Centre in Malta, cease to be in force.

IN WITNESS WHEREOF the respective representatives have signed this Agreement.

DONE in duplicate at Valletta, this twenty-seventh day of April, 1990.

For the Government of Malta: For the International Maritime Organization:

EDWARD FENECH-ADAMI WILLIAM A. O’NEIL
Prime Minister and Secretary-General
Minister of Foreign Affairs
Basic Documents, volume II is a compendium of basic documents on the International Maritime Organization (IMO) and its Training Institutions and Regional Centre.