

RESOLUTION A.505(XII) adopted on 20 November 1981
ESTABLISHMENT OF PERMANENT MISSIONS BY MEMBER GOVERNMENTS

INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION



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IMCO

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THE ASSEMBLY,

NOTING the provisions of Article 35 of the Convention on the Inter-Governmental Maritime Consultative Organization relating to the appointment by Members of representatives for the purpose of communication with the Secretary-General,

NOTING FURTHER the Council's deliberations on the possible establishment by Member Governments of permanent missions accredited directly to IMCO and the recommendations of the Council thereon,

ACCEPTING that it is desirable to make provision in the Headquarters Agreement between IMCO and the Government of the United Kingdom to cover the right of Member Governments which consider it desirable to establish such permanent missions, and to determine the status, immunities, privileges and facilities to be accorded to such permanent missions and their personnel,

HAVING CONSIDERED the draft Exchange of Notes for the extension of the Headquarters Agreement for this purpose and the Procedure of Accreditation of Permanent Representatives and Members of Permanent Missions which were approved by the Council at its forty-sixth session,

BEING SATISFIED that the terms of the draft Exchange of Notes and the Procedure of Accreditation accord to members of permanent missions appropriate privileges for the exercise of their proper functions, while safeguarding the rights of the host Government, and endorsing the conclusions of the Council in these respects,

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1. APPROVES the terms of the Exchange of Notes to amend the Headquarters Agreement and the Procedure of Accreditation of Permanent Representatives and Members of the Permanent Missions, the texts of which appear in Annexes 1 and 2 respectively to this resolution;
2. EXPRESSES its appreciation and thanks to the Government of the United Kingdom and the other interested Governments for the co-operative spirit in which they approached the complex negotiations on this very important subject and to the Secretary-General and the Secretariat for the very able way in which they assisted the Governments, the Council and the Assembly in reaching a satisfactory conclusion on the subject.

ANNEX 1

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE INTER-GOVERNMENTAL
MARITIME CONSULTATIVE ORGANIZATION TO AMEND THE
AGREEMENT BETWEEN THE GOVERNMENT AND THE
ORGANIZATION REGARDING THE HEADQUARTERS
OF THE ORGANIZATION

Sir,

1 I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Inter-Governmental Maritime Consultative Organization regarding the headquarters of the Organization, signed at London on 28 November 1968, (hereinafter referred to as "the Agreement") and to discussions between officials of the Government and the Organization regarding the establishment of permanent missions to the Organization.

2 I now have the honour to propose that a new Article be inserted in the Agreement after Article 13 as follows:

PART IV bis

PERMANENT REPRESENTATIVES

ARTICLE 13 bis

(1) Every person designated by a Member of the Organization as its 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 and municipal rates 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;

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- (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.

(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 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 citizen of the United Kingdom and Colonies. Paragraph (2) shall not apply to any person who is permanently resident in the United Kingdom; paragraph (1) 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.

3 I have the honour to propose that the procedure for notification referred to in paragraph (4) of Article 13 bis above shall be that adopted by the Council on 17 June 1981.

4 If the foregoing proposal is acceptable to the Inter-Governmental Maritime Consultative Organization, I have the honour to propose that ~~this~~ Note, together with your reply in that sense, shall constitute an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Inter-Governmental Maritime Consultative Organization which shall enter into force on the date on which the United Kingdom legislation giving effect to the provisions of the new Article comes into operation.

I have the honour to be etc.

ANNEX 2

PROCEDURE FOR THE ACCREDITATION TO IMCO OF PERMANENT REPRESENTATIVES
AND MEMBERS OF THE PERMANENT MISSIONS OF MEMBER GOVERNMENTS

1. For the accreditation of a Permanent Representative to IMCO 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 citizen of the United Kingdom and Colonies 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 citizens of the United Kingdom and Colonies or permanently resident in the United Kingdom, the procedure described in paragraph 2 above shall be followed.

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