

Resolution A.908(22)

Adopted on 22 November 2001 (Agenda item 18)

AGREEMENT WITH THE HOST STATE REGARDING THE EXTENSION OF PRIVILEGES AND IMMUNITIES
TO PERMANENT REPRESENTATIVES AND DIVISIONAL DIRECTORS

INTERNATIONAL MARITIME ORGANIZATION



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ASSEMBLY
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THE ASSEMBLY,

RECALLING resolution A.10 (I) of 16 January 1959 by which the Assembly accepted the standard clauses of the Convention on the Privileges and Immunities of the Specialized Agencies, adopted by the General Assembly of the United Nations on 21 November 1947, as modified by Annex XII applicable to the Organization,

NOTING that the Council adopted a revised text of Annex XII by resolution C.37 (XX) on 16 May 1968,

RECALLING resolution A.505 (XII) of 20 November 1981 by which the Assembly approved the terms of an Exchange of Notes between the Government of the United Kingdom and the Organization to amend the Agreement between the International Maritime Organization (previously known as the Inter-Governmental Maritime Consultative Organization) and the Government of the United Kingdom of Great Britain and Northern Ireland regarding the Headquarters of the Organization (later amended*, and referred to hereinafter as "the Headquarters Agreement") to make provision for the right of Member Governments to establish permanent missions, and to determine the status, immunities, privileges and facilities to be accorded to such permanent missions and their personnel, and also approved the Procedure of Accreditation to IMO of Permanent Representatives and Members of the Permanent Missions of Member Governments,

RECALLING ALSO the decision taken at its fourteenth session in November 1985 to establish an intersessional Working Group (subsequently called the Assembly Working Group on Privileges and Immunities, and hereinafter referred to as "the Working Group") with the mandate, *inter alia*, to "study all aspects of the Organization's status, immunities, privileges and exemptions in the light of the changes in the Organization since the Headquarters Agreement was concluded",

* Note: The Headquarters Agreement originally entered into force on 28 November 1968. It was amended by Exchange of Notes of 28 October/1 November 1971, 13/25 February 1974 and 20 January 1982 (See Assembly Resolution A.505(XII)).

NOTING that the Council has reported to the Assembly at successive sessions on the results of the endeavours of the Working Group and of the negotiations with the Government of the United Kingdom, and that at its twenty-first session in November 1999 the Assembly decided, *inter alia*, that the matter should remain on the agenda of the Council and the Assembly pending an amicable resolution of the issue,

NOTING FURTHER that, during 2000, on the recommendation of the Working Group, the Council had accepted an offer of settlement of the matter by the Government of the United Kingdom,

HAVING CONSIDERED the draft Exchange of Notes providing for amendments to the Headquarters Agreement, as well as draft amendments to Annex XII and the Procedure for Accreditation, which were approved by the Council at its eighty-sixth session in June 2001,

1. NOTES that the Secretary of State for Foreign and Commonwealth Affairs in his letter dated 8 September 2000 on behalf of the Government of the United Kingdom has agreed to the extension of full privileges and immunities to Permanent Representatives to IMO and five IMO posts at Divisional Director level;¹

2. ACCEPTS the extension of full privileges and immunities to:

- (a) the Permanent Representatives; and
- (b) five IMO posts at Divisional Director level, i.e. the Directors of the Administrative Division, the Technical Co-operation Division, the Legal Affairs and External Relations Division, the Conference Division and the Marine Environment Division which, if re-titled, will continue to be entitled to full privileges and immunities;

3. APPROVES

- (a) the revised text of Annex XII to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, as set forth in Annex 1*;
- (b) the draft Exchange of Notes to amend the Headquarters Agreement, as set forth in Annex 2* (hereinafter referred to as “the Agreement”); and
- (c) the revised Procedure for the Accreditation to IMO of Permanent Representatives and Members of the Permanent Missions of Member Governments, as set forth in Annex 3*;

¹ This paragraph and paragraphs 5 and 7 are suggested by the Secretariat following concerns raised at the eighty-sixth session of the Council.

* Note: Annexes 1, 2, and 3 referred to in this section can be found, respectively, in Annexes 1, 2 and 3 to document A 22/18.

4. NOTES that procedures have been agreed between the Secretary-General and the Secretary of State for Foreign and Commonwealth Affairs relative to problems arising in respect of alleged abuse of privileges and immunities by IMO officials and that finality has been reached in respect of the Agreement referred to in paragraph 3(b) of this resolution;
 5. FURTHER NOTES that the Agreement shall enter into force on the date on which the United Kingdom legislation giving effect to the amendment comes into force;
 6. REQUESTS the Secretary-General to transmit the revised text of Annex XII to the Convention on the Privileges and Immunities of the Specialised Agencies to the Secretary-General of the United Nations in conformity with Section 38 of Article X of the aforementioned Convention;
 7. REQUESTS the Secretary-General to communicate to the Member States of the Organization the date of entry into force of the Agreement;
 8. EXPRESSES its appreciation and thanks to the Government of the United Kingdom and to the Chairmen and members of the Assembly Working Group for the co-operative spirit in which they undertook the negotiations on this important matter and brought it to a successful conclusion, and to the Secretary-General for the able assistance given to Governments, the Assembly and the Council.
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