



Miscellaneous No.4 (2008)

Cooperation Agreement

between the United Kingdom of Great Britain and Northern Ireland and
the International Organization for Migration

London, 6 July 2006

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
July 2008*

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**COOPERATION AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND AND THE INTERNATIONAL
ORGANIZATION FOR MIGRATION**

The GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, on the one hand, and the INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM), hereinafter called the Organization, on the other hand,

RECALLING that the United Kingdom of Great Britain and Northern Ireland is a member of the Organization since 7 June 2001,

DESIROUS of further strengthening and developing the friendly relations and co-operation between the Organization and the Government of the United Kingdom of Great Britain and Northern Ireland,

BEARING IN MIND that Article 27 of the Constitution of the Organization confers juridical personality on the Organization and such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purpose, and that the Organization and its officials should enjoy privileges and immunities as provided for in Article 28 of the Constitution,

CONSIDERING that the purpose and functions of the Organization and the activities carried out by the Organization and its officials warrant the granting in the United Kingdom of Great Britain and Northern Ireland to the Organization and its officials of privileges and immunities substantially identical to those accorded to the specialized agencies of the United Nations and their officials,

HAVE AGREED as follows:

ARTICLE 1

The Organization shall have legal personality in the United Kingdom. It shall in particular have the capacity to contract, to acquire and dispose of moveable and immovable property and to institute legal proceedings.

ARTICLE 2

The Organization shall enjoy immunity from jurisdiction and execution, except to the extent that the Organization shall have expressly waived any such immunity in a particular case.

ARTICLE 3

The premises and official archives of the Organization shall be inviolable.

ARTICLE 4

1. The property, income and assets of the Organization shall be exempt from all direct taxes.
2. The Organization shall have relief by way of refund of duty (whether customs or excise) paid on imported hydrocarbon oil within the meaning of the Hydrocarbon Oil Duties Act 1979 or value added tax paid for the importation of such oil which is brought in the United Kingdom by the Organization and necessary for the exercise of its official use.
3. The Organization shall have relief by way of refund of value added tax paid on purchase of new vehicles which are necessary for the official use of the Organization and of value added tax paid on the supply of any other goods and services of substantial value and necessary for the official use of the Organization.

ARTICLE 5

The Organization shall have exemption from customs and duties and taxes on the importation of goods imported by the Organization for its official use, such exemption to be subject to compliance with such conditions as the Commissioners for Her Majesty's Revenue and Customs may prescribe for the protection of the Revenue.

ARTICLE 6

The Organization shall have exemption from prohibitions and restrictions on importation or exportation of goods by the Organization for its official use, except where the prohibitions and restrictions arise from European Community law.

ARTICLE 7

1. The Head of the London Office of the Organization in the United Kingdom shall have:
 - (a) immunity from jurisdiction;
 - (b) inviolability of residence;

- (c) exemption from customs duties and taxes on the importation of articles imported for her or his personal use or the use of members of the family forming part of the household, including articles intended for their establishment, as is accorded to a diplomatic agent;
- (d) the like relief from taxes, other than customs duties and taxes on the importation of goods, and rates as are accorded to a head of a diplomatic mission;
- (e) the like exemption and privileges in respect of personal baggage as is accorded to a diplomatic agent;
- (f) relief by way of refund of duty (whether customs or excise) paid on imported hydrocarbon oil within the meaning of the Hydrocarbon Oil Duties Act 1979 or value added tax paid on the importation of such oil which is brought in the United Kingdom, such relief to be subject to compliance with such conditions as may be imposed in accordance with the arrangements.

2. This Article shall not apply to any person who is a national or permanent resident of the United Kingdom.

ARTICLE 8

The officials of the Organization shall:

- (a) enjoy, even after they have left the service of the Organization, immunity from jurisdiction, in respect of acts, including words written and spoken, done by them in the exercise of their official functions; this immunity shall not apply, however, in the case of a motor vehicle offence committed by an officer of the Organization, nor in the case of damage by a motor vehicle belonging to or driven by her or him;
- (b) have exemption from income tax in respect of salaries and emoluments paid by the Organization from the date on which they are subject to an effective internal tax imposed by the Organization;
- (c) have exemption from customs duties and taxes on the importation of articles which at or about the time they first enter the United Kingdom to take up their appointment with the Organization are imported for their personal use or that of members of their families forming part of their households, including articles intended for their establishment. This sub-paragraph shall not apply to any person who is a national or permanent resident of the United Kingdom.

ARTICLE 9

1. The representatives of Member States of the Organization shall enjoy, in the exercise of their functions and in the course of journeys to and from the place of meetings of the Organization, the following privileges and immunities:

- (a) the immunity from personal arrest and detention;
- (b) the immunity from seizure of their personal effects;
- (c) immunity from legal process, even after the termination of their mission, in respect of acts, including words spoken or written, done by them in the exercise of their functions; this immunity shall not apply, however, in the case of a motor vehicle offence committed by a representative of a Member State, nor in the case of damage by a motor vehicle belonging to or driven by her or him;

2. This Article shall not apply to any person who is a national or permanent resident of the United Kingdom.

ARTICLE 10

1. In accordance with the relevant decisions of its Governing Bodies and subject to the approval of the Government of the United Kingdom of Great Britain and Northern Ireland and to the availability of funds, the Organization shall implement in the United Kingdom of Great Britain and Northern Ireland migration programmes such as migration information, advisory services and technical co-operation on migration issues, counter-trafficking, migration and health, international migration law, return of qualified human resources, assisted voluntary return and reintegration activities, migration of nationals and aliens, assistance to internally and externally displaced persons and other persons in need.

2. In order to implement its activities, the Organization is authorised to open offices in the United Kingdom.

ARTICLE 11

1. The privileges and immunities provided for in Articles 7, 8 and 9 of this Agreement are granted solely to ensure the unimpeded functioning of the Organization and the complete independence of the persons to whom they are accorded. They are not granted for the personal benefit of the individuals concerned.

2. Such immunities may be waived:
- (a) in the case of the Head of the London Office, by the Director General of the Organization;
 - (b) in the case of officials, by the Director General of the Organization;
 - (c) in the case of representatives of Member States, by the Member State concerned.

ARTICLE 12

Any dispute between the Government of the United Kingdom of Great Britain and Northern Ireland and the Organization concerning the interpretation or application of this Agreement which is not settled by negotiation, shall be referred for final decision to a tribunal of three arbitrators: one to be appointed by the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, one to be appointed by the Director General, and the third, who shall be the chairperson of the tribunal, to be appointed by the first two arbitrators.

ARTICLE 13

The provisions of this Agreement can be modified or revised at any time by mutual consent of the Parties.

ARTICLE 14

This Agreement shall enter into force on the day the United Kingdom has informed the Organization of the completion of the requirements for entry into force of this Agreement.

ARTICLE 15

This Agreement shall cease to be in force twelve months after either of the Parties shall have given notice in writing to the other of its decision to terminate the Agreement.

IN WITNESS WHEREOF the undersigned representatives, duly authorised for that purpose, have signed this Agreement.

DONE in duplicate at London, on the 6th of July 2006 in the English language.

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

For the International Organization for
Migration:

**DAVID MAXIM LORD TRIESMAN
OF TOTTENHAM**

JAN DE WILDE



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