

Global Green Growth Institute

Second session of the Assembly

New York, 27 September 2013

Decision on the Privileges and Immunities Committee of the Assembly

The Assembly,

Recalling Article 7(5) of the Agreement on the Establishment of the Global Green Growth Institute regarding the role and function of the Assembly;

Further recalling Article 15 of the Agreement on the Establishment of the Global Green Growth Institute, regarding the privileges and immunities of the Global Green Growth Institute; and,

Acting pursuant to Rule 18 and 30 of the Rules of Procedure of the Assembly, regarding the establishment of and representation on subsidiary organs of the Assembly;

Decides:

1. To establish a **Privileges and Immunities Committee** in accordance with the terms of reference, as attached in Annex 1; and,

2. To approve the composition of the Privileges and Immunities Committee, as attached in Annex 2.



Terms of Reference for the Privileges and Immunities Committee of the Assembly

The Privileges and Immunities Committee of the Assembly is established under Rules 18 and 30 of the Rules of Procedure of the Assembly. Its function is to assist the Assembly to decide on privileges and immunities to be provided to the GGGI in an agreement among members (“agreement on privileges and immunities”) that would be adopted by the Assembly for ratification by present and future members.

1. Scope

1.1 In assisting the Assembly to decide on privileges and immunities to be provided to the GGGI in an agreement on privileges and immunities, the Privileges and Immunities Committee is authorized to:

- (a) Consider each provision of the draft agreement on privileges and immunities noted by the Council in its Decision on the Agreement on the Privileges and Immunities of the Global Green Growth Institute (C/3/DC/2), and decide on any amendments that may be needed.
- (b) Recommend to the Assembly, based on its consideration and determinations above, an agreement on privileges and immunities that would be appropriate for adoption by decision of the Assembly.

2. Composition and Tenure

2.1 The Committee, which is temporary as it is established solely for the purposes set out under Clauses 1.1(a) and (b) above, shall consist of each Member of the Assembly. The Chair and other members of the Committee shall be appointed by the Assembly in accordance with Rule 18 and Rule 30 of the Rules of Procedure of the Assembly.

2.2 In circumstances where the Committee requires specific advice and assistance to be able to perform its functions, and such advice and assistance are not available to the Committee members, including from within the GGGI if appropriate, the Committee may request the Chair to engage such outside expertise and provide the necessary resources required for that purpose. The Chair may engage an external expert in the law concerning privileges and immunities to provide advice and assistance to the Committee for the performance of its functions.

2.3 The Committee members shall serve only until agreement is reached by the Committee on an agreement on privileges and immunities to recommend for adoption by decision of the Assembly.

3. Meetings

- 3.1 The Committee shall meet as deemed necessary. If the Committee is unable to meet in person, it may hold meetings via conference call. Other Assembly Members as well as GGGI senior management may attend meetings as observers with the permission of the Committee.
- 3.2 The Committee shall seek consensus on all issues. In the event that consensus cannot be reached, decisions may be taken by majority if a quorum of four members is present at the meeting concerned.
- 3.3 The Committee Chair and Vice-Chair shall be appointed by the President of the Assembly and approved by the Assembly. The Chair shall preside over all meetings of the Committee. If the Committee Chair is unable to be present at a meeting, the Vice-Chair of the Committee shall preside. If both the Chair and the Vice-Chair are unable to be present at a meeting, the Chair shall designate a present member of the Committee to preside.

4. Administrative Arrangements

- 4.1 Requests for information from the Secretariat shall be transmitted through the Committee Chair.
- 4.2 The GGGI Secretariat shall be responsible for providing the necessary administrative services for the functioning of the Committee, including maintaining its records.
- 4.3 Any written reports of the Committee on its activities, conclusions or recommendations shall be transmitted to the Assembly through the Chair of the Committee. The Committee shall submit such report(s) to the Secretariat for distribution to the Assembly at least 20 days in advance of the relevant Assembly session.



Composition of the Privileges and Immunities Committee

1. Australia
2. Cambodia
3. Costa Rica
4. Denmark
5. Ethiopia
6. Guyana
7. Indonesia
8. Kiribati
9. Mexico
10. Mongolia
11. Norway
12. Papua New Guinea
13. Paraguay
14. Philippines
15. Qatar
16. Republic of Korea
17. Rwanda
18. Vietnam
19. United Arab Emirates
20. United Kingdom



Background paper on general Agreements on Privileges and Immunities, Headquarters Agreements, and Host Country Agreements

Introduction

Member countries give international organizations privileges and immunities in a number of different ways.

Most often the establishment agreement of the international organization, agreed to by all members, provides for basic privileges and immunities. In the alternative, an international organization may adopt a separate document, referred to as a “general agreement on privileges and immunities.”

In addition to having privileges and immunities in establishment agreements or general agreements, international organizations will negotiate headquarters and host country agreements on privileges and immunities with member countries where their offices are located.

Sometimes countries have national legislation that provides privileges and immunities to international organizations if they meet the definition of an international organization under such legislation.

When an international organization has a large meeting or conference in a member country, there may be a memorandum of agreement between the organization and the member country on the privileges and immunities that will be provided to the organization for that specific event.

This background paper focuses solely on the differences between a general agreement on privileges and immunities, such as the one that an Assembly Committee on Privileges and Immunities would consider; a headquarters agreement; and a host country agreement.

General agreement on privileges and immunities

A general agreement on privileges and immunities is an agreement among members of an international organization, also applicable to all future members, that provides for certain basic privileges and immunities that are considered necessary for the fulfillment of the purposes and functions of that international organization. Such an agreement, which is separate from and in addition to an establishment agreement, is not binding on member countries unless they ratify it.

The earliest and leading example of such a general agreement on privileges and immunities is the 13 February 1946 United Nations Convention on the Privileges and Immunities of the United Nations (“UN Convention on P&Is”). Its provisions are binding on all member countries of the United Nations who have ratified it.

The UN Convention on P&Is provides for basic privileges and immunities with regard to the following:

- *Jurisdictional personality* (including the UN's right to contract, acquire property, and institute legal proceedings);
- *Property, funds and assets* (immunity from legal process, inviolability of premises; immunity of assets from legal action; inviolability of archives; freedom from financial controls; and exemption from taxes and customs duties);
- *Communications facilities* (no censorship, and the same right to use bags and courier as diplomatic missions have);
- *Privileges and immunities of UN personnel* (applicable to representatives of members, officials (i.e. appointed staff of the international organization), and experts on mission for the UN); and,
- *Travel facilities* (arrangements to facilitate visas for travel for officials and anyone that the UN certifies is traveling on UN business).

Another example of a general agreement on privileges and immunities is the 14 January 2013 Agreement on Privileges and Immunities for the International Renewable Energy Agency, which copies word for word almost all provisions on privileges and immunities of the UN Convention on P&Is.

The draft agreement on privileges and immunities that was noted by the Council in its third session in Songdo, 8-9 June 2013, also copies the provisions of the UN Convention on Privileges and Immunities in most respects.

An advantage of a general agreement on privileges and immunities for the GGGI would be that, within the member countries that have ratified it, privileges and immunities would apply to all financial transactions, property, funds and assets of the GGGI; travel by GGGI staff would be facilitated (an important consideration for GGGI staff holding a passport of a country for which visas are not easily granted); and representatives of members, the Director-General and his staff, and experts on mission working in such member countries would have certain immunities, such as immunity from legal process for acts carried out in their official capacity.

Another important advantage is that when a GGGI office is opened in a member country, if that member has ratified a general agreement on privileges and immunities, it would be possible for a GGGI office to function in that country with reasonable efficiency pending the negotiation of a host country agreement and its ratification.

A major purpose for forming an international organization is to enable it to have privileges and immunities. It would be very unusual for an international organization not to have the kinds of privileges and immunities that are provided for in the UN Convention on P&Is. Member countries normally recognize that it is important for the efficiency and the stature of an international organization to have a strong foundation of privileges and immunities.

Headquarters agreements and host country agreements

In normal practice, an international organization negotiates a headquarters agreement with the member country that hosts the organization's headquarters, and host country agreements with

each country that hosts an office of the organization. A headquarters agreement is a kind of host country agreement.

The purpose of a headquarters agreement and the purpose of a host country agreement is the same. Such agreements are not intended to replace a general agreement on privileges and immunities. Instead, they supplement a general agreement with additional privileges and immunities and administrative arrangements that specifically govern the relationship between an international organization and a member country with regard to the hosting of an office.

A headquarters agreement and a host country agreement will include all the privileges and immunities that have been provided for in the international organization's general agreement on privileges and immunities. They may also include, among others, provisions on the following matters:

- Independence and freedom of action of the office;
- Right to convene meetings with no impediment to discussion;
- Identification of position of head of the office;
- General application of national law and court jurisdiction to the office;
- Exceptions to application of national law (privileges and immunities, and internal rules for independent exercise of operations and performance of functions);
- Government's responsibility to ensure tranquility of office is not disturbed;
- Government authorities' responsibility to provide special protection if needed;
- Detailed communication privileges;
- Freedom of publication;
- Visas for all concerned without delay and usually without any charge;
- Exemption from national social security scheme;
- Special diplomatic status for head of office;
- Privileges and immunities for visitors to office; and,
- Special government ID card for office personnel having privileges and immunities.

Normally headquarters and host country agreements require ratification, separate from any ratification of a general agreement on privileges and immunities.

Host country agreements are useful, if not essential, for the office of an international organization when working with government officials. Such officials can understand more readily the obligations of their government under a bilateral agreement on privileges and immunities, which only their government has signed, than the same kinds of obligations under a general agreement made between their government and many other countries.

Conclusion

A general agreement on privileges and immunities sets out the basic privileges and immunities that all member countries of an international organization agree are necessary for the fulfillment of its purposes. A host country or headquarters agreement reiterates the privileges and immunities of a general agreement on privileges and immunities, and then supplements it with additional privileges and immunities and administrative arrangements that specifically govern the relationship between the international organization and a member country with regard to the hosting of an office.