

## **WORLD MARITIME UNIVERSITY**

### **AGREEMENT BETWEEN THE INTERNATIONAL MARITIME ORGANIZATION AND THE GOVERNMENT OF SWEDEN REGARDING THE WORLD MARITIME UNIVERSITY**

#### **Preamble**

*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 article X, section 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:

#### **PART I**

##### *Definitions and interpretation*

#### **Article I**

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;
- (k) "premises of the University" means land, buildings and parts of buildings normally occupied by the University for the fulfilment of its official functions;
- (l) "Member States" means Members of the Organization as defined in the IMO Convention;
- (m) "the Board" means the Board of Governors of the University as established under the Charter of the University;
- (n) "officials of the University" means the Rector, the Vice Rector and those senior members of the academic and administrative staff of the University who are specified by the Secretary-General as officials under article VI, section 18, of the Convention;
- (o) "experts" means persons appointed by or for the purpose of the University, other than officials coming within the scope of article 1 (n) of this Agreement.

## **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 1 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 all officials 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.<sup>1)</sup>

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:

C.P. SRIVASTAVA  
Secretary-General

For the Government of Sweden:

LEIF LEIFLAND  
Ambassador Extraordinary  
and Plenipotentiary

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1) The Agreement entered into force on 1 May 1983