

1st General Assembly
International Organization for
Marine Aids to Navigation



18-21 February 2024
Singapore

I-Consideration of reports and proposals received from member States, the Council or the Secretary-General

I.2.1– Note on the HQ agreement

Approval of the Headquarters Agreement between the Organization and the French Republic

Note by the Secretariat

BACKGROUND

International Governmental Organizations agree on Headquarters Agreements with their respective host nation. In these Headquarters Agreement the privileges and immunities of the Organization and its staff in the territory of the host nation are agreed.

The Organization and the French Republic will agree the Headquarters Agreement as set out in the final draft which can be found in the Annex. As it can take up to two years before the formal procedure for such agreements in France are finalized, a temporary arrangement with the same content will be established. This is in accordance with the normal procedure for International Organizations in France.

The agreement deals with the rights and obligations inter alias in relation to the premises of the Organization, immunity and tax exemption, the rights of the representatives of Member States and resident permits for staff members. Article 13 specifically mentions the rights of staff members to remain in the French social security system in case the Organization wishes to do so.

The text of the Headquarters Agreement of the Organization resembles those of other International Organizations which have their headquarters on French territory and the French Republic as the host nation and depository of the respective Convention.

The transition Council has agreed on the text of the draft Headquarters Agreement.

LEGAL IMPLICATIONS

The Headquarters Agreement was negotiated between the Secretary-General of the International Association for Marine Aids to Navigation and Lighthouse Authorities and the French Ministry of Foreign Affairs alongside the developments of the change of status and in line with the transitional arrangements of the Convention.

The process of the temporary agreement could only be started after the Convention formally entered into force on 22 August 2024 and the Organization formally existed. At the same time the Staff Rules and the contracts of the staff members of the Organization are based on the rights and obligations



included in the Headquarters Agreement granted by the French Republic. It is expected that the temporary arrangements will take effect early in 2025.

In the International Association for Marine Aids to Navigation and Lighthouse Authorities the signing of international agreements was not specifically mentioned in the Basic documents as non-governmental organizations normally do not sign agreements with States or international organizations.

According to Article 4.1.2 of the General Regulations of the International Association of Marine Aids to Navigation and Lighthouse Authorities and should no appropriate provision be made in the constitution or the General Regulations in the period between two General Assemblies, the Council shall make any administrative or technical decision which may be necessary. Any such decision must be referred to the next General Assembly for confirmation.

In line with No. 4 of the transitional arrangements these General Regulations of the International Association for Marine Aids to Navigation and Lighthouse Authorities shall be applied “mutatis mutandis”. As a result, the transitional Council approved the content of Headquarters Agreement and the initiation of the formal process with the French Government. This decision of the transition Council is referred to the General Assembly for confirmation.

THE GENERAL ASSEMBLY IS REQUESTED TO

The General Assembly is requested to confirm the decision of the transition Council to establish a Headquarters Agreement between the Organization and the French Republic in line with the annex to the draft Resolution.