



| ICAO

# INTERNATIONAL CIVIL AVIATION ORGANIZATION

A UN SPECIALIZED AGENCY





# Session 4: Treaties Supporting ICAO's Global Outreach to States

**International Air Law Treaty Workshop (IAL-TW/2)**

Paris, France | 22 – 23 May 2024

# Presentation Overview

- 01 What are privileges and immunities?
- 02 Why are they important for ICAO?
- 03 How are they administered?



# Chicago Convention

## Article 59:

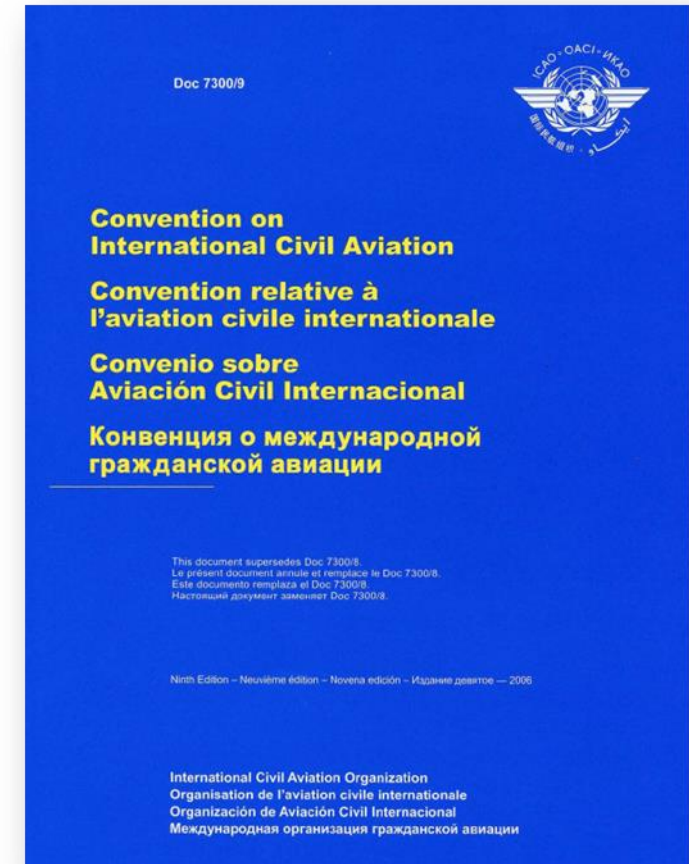
### International character of personnel:

The President of the Council, the Secretary General, and other personnel shall not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organization. Each contracting State undertakes fully to respect the international character of the responsibilities of the personnel and not to seek to influence any of its nationals in the discharge of their responsibilities.

## Article 60:

### Immunities and privileges of personnel:

Each contracting State undertakes, so far as possible under its constitutional procedure, to accord to the President of the Council, the Secretary General, and the other personnel of the Organization, the immunities and privileges which are accorded to corresponding personnel of other public international organizations. If a general international agreement on the immunities and privileges of international civil servants is arrived at, the immunities and privileges accorded to the President, the Secretary General, and the other personnel of the Organization shall be the immunities and privileges accorded under that general international agreement.



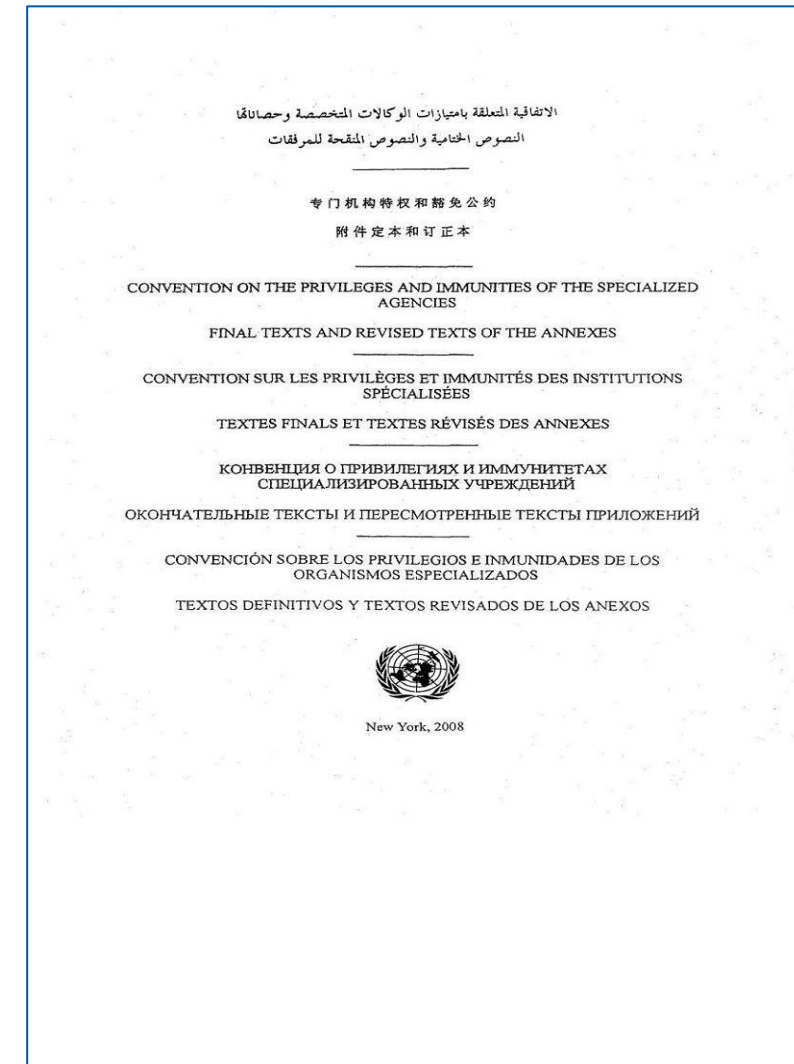
# What is a Specialized Agency? How is ICAO one?

- The International Civil Aviation Organization, established in 1944 by the Convention on International Civil Aviation (Chicago Convention) with 193 Member States, Headquartered in Montreal, Canada
- ICAO is a specialized agency in relationship with the United Nations within the meaning of Article 57 of the UN Charter i.e., an ***autonomous international organization*** that works with the United Nations. Specialized agencies are brought into relationship with the UN by virtue of Article 57 of the UN Charter.
- Because ICAO pre-dates the UN Charter, Article 64 of the Chicago Convention contemplates a relationship between ICAO and the UN. The UN and ICAO entered into a relationship agreement in 1948.
- ICAO is listed in Section 1 (ii) of the SAC Convention together with ILO, FAO, UNESCO, IMF, IBRD WHO, UPU and ITU as Specialized Agencies.



# Convention on the Privileges and Immunities of the Specialized Agencies 1947 and its Annex III

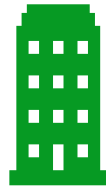
- ❑ This Convention facilitates the administration of privileges and immunities essential for the efficient exercise of the Organization's functions in ICAO's Member States
  - ➔ It facilitates the holding of ICAO events, implementation of technical cooperation and assistance projects and audit missions by ensuring that the Organization and ICAO officials and experts are accorded the requisite privileges and immunities regarding certain national requirements
  - ➔ It facilitates the participation of Member States in the activities of ICAO by ensuring that delegates and officials are accorded privileges and immunities
- ❑ Article 60 of the Chicago Convention also provides for the immunities and privileges of the personnel of the Organization
- ❑ The ICAO Assembly accepted the provisions of the SAC Convention in A2-26 and in A26-3 urges States to become party and apply the principles of Convention.



# ICAO Global presence and activities



States



Offices



Projects



Personnel



Audits



Meetings





ICAO  
Headquarters  
Montréal

European and  
North Atlantic  
(EUR/NAT) Office  
Paris

Asia and Pacific  
(APAC) Sub-office  
Beijing

Middle East  
(MID) Office  
Cairo

Western and  
Central African  
(WACAF) Office  
Dakar

North American  
Central American  
and Caribbean  
(NACC) Office  
Mexico City

South American  
(SAM) Office  
Lima

Eastern and  
Southern African  
(ESAF) Office  
Nairobi

Asia and Pacific  
(APAC) Office  
Bangkok

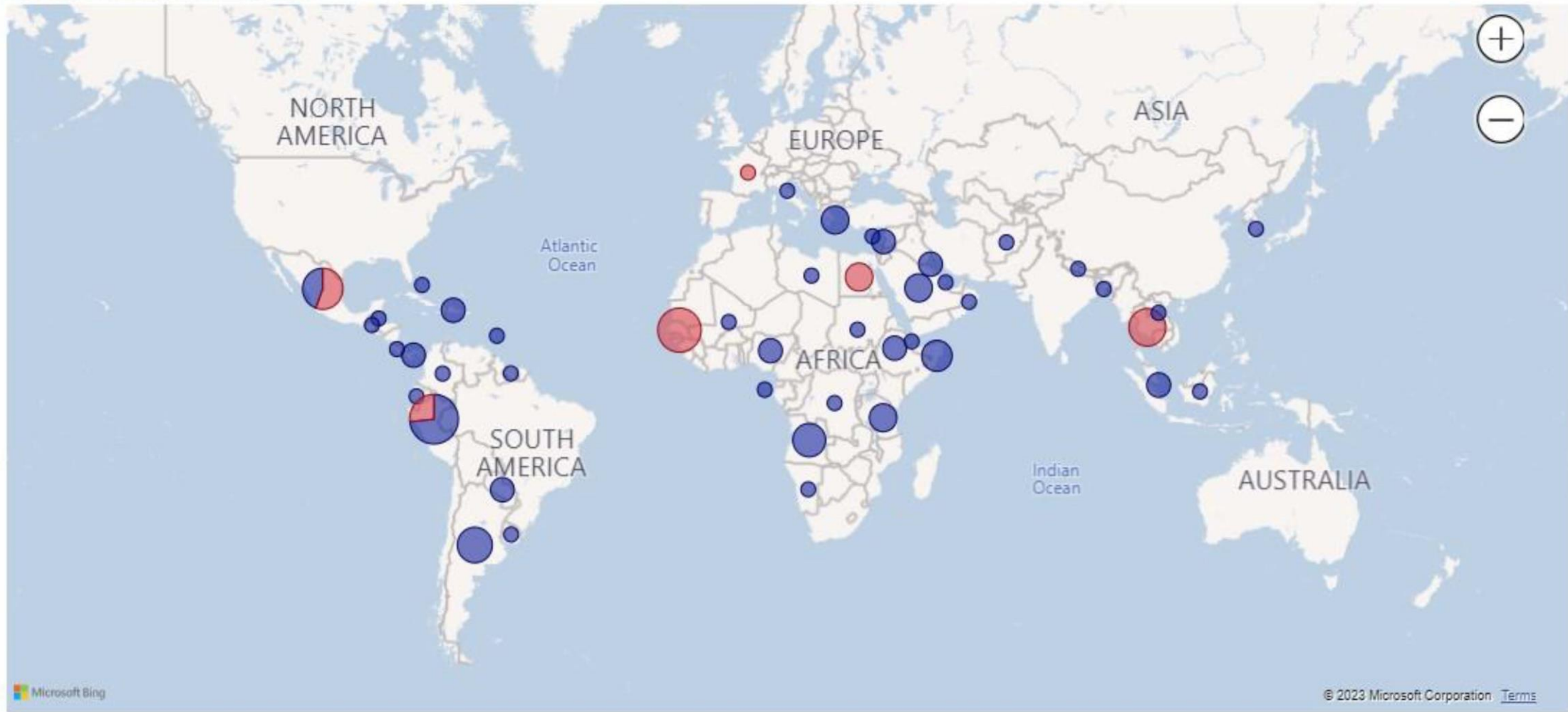
Liaison Office  
for Pacific  
Small Island  
Developing  
States (PSIDS)

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Thank You!



● Delegation ● National ● Regional



# —Privileges and Immunities - Organization



JURIDICAL  
PERSONALITY



INVIOLABILITY OF  
PROPERTY, FUNDS  
AND ASSETS



TAX EXEMPTION



COMMUNICATION  
FACILITIES



NO CENSORSHIP OF  
OFFICIAL  
COMMUNICATIONS



INVIOLABILITY OF  
ARCHIVES AND  
DOCUMENTS



WAIVER OF  
PRIVILEGES



SETTLEMENT OF  
DISPUTES



Articles II, III and IV - Specialized Agency

# — Privileges and Immunities – Personnel

Legal process; arrest and detention, search and seizure

Immigration restrictions

Tax exemption

Emergency repatriation

Health, Medicare

Education: language, tuition fees

Traffic Regulations: license plates, diplomatic parking

Dependents' work permits

Public duties: Jury duty, national service



Article V - Representatives of Member States

Article VI – Officials

## Legal framework for administration of privileges and immunities

- State ratifies UNCPISA and undertakes to apply its provisions to ICAO (Section 43 and 44)
- State passes domestic legislation extending the application of the privileges and immunities to specialized agencies generally and specifying ICAO as one of those agencies
- States where ICAO Offices are located enter into Host State agreements (HSAs); also hosting agreements for specific events such as meetings away from HQ, USOAP and USAP CMA audit missions
- Agencies of the State with mandates establish procedures for the administration to eligible organizations and their Staff



# Not for personal benefit

## *Section 22*

Privileges and immunities are granted to officials in the interests of the

specialized agencies only and not for personal benefit of the individuals themselves.

Each specialized agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialized agency.

## *Section 23*

Each specialized agency shall co-operate at all times with the appropriate

authorities of member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this article.

A **United Nations laissez-passer (UNLP or LP)** is a diplomatic travel document issued by the United Nations under the provisions of Article VII, *Convention on the Privileges and Immunities of the United Nations*, 1946

UNLP may be issued to Officials of Specialized agencies (Section 27) .

Most officials hold a blue UNLP (up to D-1 level), which is similar in legal status to a service passport. A red UNLP is issued to particularly high officials (D-2 and above) and confers similar status to that of a diplomatic passport.

Individuals who are designated as experts on missions for the UN may be issued a United Nations Certificate, which is not a legal travel document but serves to certify that the holder is travelling on official business on behalf of the UN or specialized agency or related organization.



### ***A26-3: Convention on the Privileges and Immunities of the Specialized Agencies***

*Whereas* by Resolution A2-26 the Assembly accepted the *Convention on Privileges and Immunities of the Specialized Agencies*;

*Whereas* by Resolution A2-27 the Assembly recommended to Contracting States that they should immediately accord as far as possible to, in connection with, ICAO the benefit of the privileges and immunities provided in the said Convention;

*Whereas* some Contracting States have not yet become parties to the Convention;

*The Assembly:*

1. *Urges* all Contracting States which have not done so to take steps to become parties to the *Convention on the Privileges and Immunities of the Specialized Agencies*;
2. *Urges* all Contracting States to take such measures as are within their powers to apply the principles of the said Convention;



## States Parties to UNCPIISA and its Annex III

UNCPIISA  
+ Annex  
III

~~131~~ 120 Parties

Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, ~~Bosnia and Herzegovina~~, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Central African Republic, Chile, China, ~~Comoros~~, Côte d'Ivoire, ~~Croatia~~, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, ~~Dominican Republic~~, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao Peoples Democratic Republic, Latvia, Lesotho, Libya, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritius, Mongolia, ~~Montenegro~~, Morocco, Mozambique, Nepal, Netherlands (Kingdom of the), New Zealand, Nicaragua, Niger, Nigeria, ~~North Macedonia~~, Norway, Oman, Pakistan, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, ~~Samoa~~, San Marino, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, St. Lucia, ~~State of Palestine~~, Sweden, Switzerland, Thailand, ~~Togo~~, Tonga, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Zambia, Zimbabwe.



National Civil Aviation Administration (NCAA) and the principal directors thereof; the airworthiness authority; the aviation security authority; the meteorological authority, the aircraft accident agency; and the State letter coordinator.



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Thank You!