

HOUSE OF LORDS

International Agreements Committee

17th Report of Session 2022–23

**Scrutiny of International
Agreements: Agreement
on the Privileges
and Immunities of
INTERPOL**

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International Agreements Committee

The International Agreements Committee is appointed by the House of Lords in each session to consider matters relating to the negotiation, conclusion and implementation of international agreements, and to report on treaties laid before Parliament in accordance with Part 2 of the Constitutional Reform and Governance Act 2010.

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[Lord Marland](#)

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[Lord Morris of Aberavon](#)

[Baroness Hayter of Kentish Town](#) (Chair)

[Lord Razzall](#)

[Lord Howell of Guildford](#)

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Declaration of interests

See Appendix 1.

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SUMMARY

This report considers the following agreement laid before Parliament under section 20 of the Constitutional Reform and Governance Act 2010 (CRAG):

- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Criminal Police Organization–INTERPOL on the Privileges and Immunities of INTERPOL on the territory of the United Kingdom of Great Britain and Northern Ireland.

The Agreement grants legal capacity in UK law to INTERPOL, an international police cooperation organisation, and confers certain tax, customs and immigration privileges and jurisdictional immunities on INTERPOL, its staff and members of its constituent bodies (but not their families). The Agreement also confers privileges and immunities on representatives of other INTERPOL member states attending meetings in the United Kingdom. The primary purpose of the Agreement is to enable the United Kingdom to host the INTERPOL General Assembly in 2024, but it is also intended to strengthen the Government's relationship with INTERPOL, including through the possible future establishment of a UK office.

We note that the Agreement does not confer immunity from prosecution for driving offences.

We report this Agreement to the House for information.

Scrutiny of International Agreements: Agreement on the Privileges and Immunities of INTERPOL

AGREEMENT REPORTED FOR INFORMATION

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Criminal Police Organization–INTERPOL on the privileges and immunities of INTERPOL on the territory of the United Kingdom of Great Britain and Northern Ireland (CP 820, 2023)¹

1. The UK-INTERPOL Agreement was laid before Parliament on 24 March 2023 and the scrutiny period is scheduled to end on 18 May 2023. It was considered by the Committee on 11 May 2023.

Background

2. INTERPOL is an international organisation first established as the International Criminal Police Commission in 1923. Its current name and structure date from 1956 when INTERPOL became an autonomous organisation based on a modernised constitution and funded by financial contributions from participating member states, currently numbering 195. The goal of the organisation is to promote international cooperation between police forces in order to prevent and fight crime. The UK was a founding member of the modernised INTERPOL established in 1956.
3. INTERPOL has several constituent bodies.² Day to day activities are managed by a General Secretariat, based in Lyon, headed by the Secretary General. An Executive Committee, whose members are elected from member state administrations, supervises the work of the Secretariat. The General Assembly is INTERPOL's principal governing body. It is made up of representatives of all member states and meets annually. INTERPOL also employs specialist Advisers and has its own data protection body, the Commission for the Control of Files.

Privileges and Immunities

4. It is common for legal texts establishing international organisations to require that member states confer specified privileges and immunities (P&I) on the organisation under their domestic law. The rationale for P&I is to enable an international organisation to carry out its functions for the benefit

1 HM Government, *Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Criminal Police Organization – INTERPOL on the privileges and immunities of INTERPOL on the territory of the United Kingdom of Great Britain and Northern Ireland*, CP 820, March 2023: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1145313/MS_3.2023_UK_Interpol_Agreement_Privileges_Immunities.pdf [accessed 25 April 2023]

2 INTERPOL, 'What is INTERPOL?': <https://www.interpol.int/en/Who-we-are/What-is-INTERPOL> [accessed 25 April 2023]

of all member states without any risk of interference from the state where the organisation is located and without the host state deriving any pecuniary advantage from hosting the organisation, such as through tax receipts. In the case of INTERPOL, its constitution does not impose any requirement on member states to grant P&I to the organisation and related personnel, and INTERPOL does not currently have legal status or any P&I under UK law.

5. The immediate reason for the Agreement is that the UK will be hosting the INTERPOL General Assembly meeting in 2024. The Home Office and Foreign, Commonwealth & Development Office (FCDO) have indicated that conferring P&I was a pre-condition for the UK to host this meeting. However, the Agreement goes beyond what is required for the 2024 Assembly. It is intended to provide a long-term framework for INTERPOL's activities in the UK, including the possibility of opening a UK office.³ The general policy of the Government with regard to the conferral of P&I on international organisations is that they should be granted primarily on the grounds of functional need.⁴ The P&I conferred by the Agreement are therefore those which the Government considers necessary for INTERPOL to conduct activities in the UK in future, including specific provisions applicable to attendees of the 2024 General Assembly.

Content of the Agreement

6. The Agreement confers P&I on four categories of recipient:
 - (a) INTERPOL itself will acquire legal personality in the UK. The Agreement also confers immunity from legal process for the organisation's official acts, funds and property and an exemption from direct and indirect taxation, national insurance employer's contributions and customs duties on transactions for official purposes. Premises used by INTERPOL in the UK together with its archives and communications are to be inviolable.
 - (b) Members of INTERPOL bodies are granted immunity from jurisdiction for their official acts. Additionally, when attending the General Assembly, or other INTERPOL statutory meetings they will enjoy full personal immunity (ie not limited to official acts) from arrest and detention unless caught in the act of committing an offence. Their official papers will be inviolable and their official baggage immune from inspection unless there are serious grounds to suspect it contains prohibited items. The Government must permit these persons to enter the UK with their immediate family members and staff for the purpose of INTERPOL activities.
 - (c) Officials of INTERPOL are granted immunity from jurisdiction for their official acts and their official papers are inviolable. Experts attending the General Assembly will also enjoy official act immunity. INTERPOL officials will be exempt from tax and employees' NI contributions on salaries in the UK. Officials stationed in the UK

3 INTERPOL has several regional bureaux and liaison offices around the world in addition to its Lyon HQ, see INTERPOL, 'General Secretariat': <https://www.interpol.int/en/Who-we-are/General-Secretariat> [accessed 23 April 2023].

4 HM Government, *Privileges and Immunities Position Paper*, (13 July 2017): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627908/FINAL_HMG_Privileges_and_immunities_Position_Paper.pdf [accessed 25 April 2023]

may import and export certain household goods duty free.⁵ The Government must permit INTERPOL officials to enter the UK with their immediate family members for the purpose of INTERPOL activities. The Secretary General of INTERPOL is given enhanced P&I on a similar basis to the head of a diplomatic mission.⁶

- (d) Representatives of INTERPOL member states attending INTERPOL meetings in the UK (except persons representing the UK) and representatives of states which have submitted a formal request to join INTERPOL will enjoy the same P&I as members of INTERPOL bodies.

Limitations on jurisdictional immunity

7. The immunity from UK jurisdiction conferred under the Agreement (except the Secretary General) does not apply to road traffic offences, including causing death by dangerous driving. However, members of INTERPOL bodies and representatives of member states also enjoy a broader personal immunity when attending the INTERPOL General Assembly. This personal immunity does not contain a carve-out for driving offences, but it is immunity from arrest and detention only, not from prosecution. The immunity also does not apply if the person is caught in the act of committing a crime. This means that somebody with this personal immunity could still be arrested at the scene of a road accident and could subsequently be prosecuted, if appropriate. **We welcome the limitations on immunity in relation to road traffic offences. We also note that accompanying family members and staff do not enjoy any immunity from jurisdiction under the Agreement.**

Consultation and implementation

8. Although the UK's membership of international organisations and P&I are reserved matters, the Devolved Administrations were consulted due to the operational impacts of P&I in devolved areas such as justice and policing.
9. The Agreement will be given effect in domestic law by an affirmative Order in Council under the International Organisations Act 1968.⁷ Certain provisions of the Agreement (eg relating to criminal law) are within the legislative competence of the Scottish Parliament which will therefore consider a separate Order to implement the Agreement in Scotland.

Final provisions

10. The Agreement will enter into force once the FCDO notifies INTERPOL of the completion of the UK's domestic requirements. The EM states that the intention is to bring the Agreement into force by autumn 2023, following adoption of the implementing legislation, to facilitate preparations for the 2024 INTERPOL General Assembly. The Agreement may be terminated by either party with one year's notice in writing.
11. The parties may agree in writing to amend the Agreement, but the process for amendment as set out in Article 21 of the Agreement would not necessarily

5 Officials who are UK nationals or permanent residents do not benefit from tax and customs duty exemptions.

6 These P&I do not apply if the Secretary General is a UK national or permanent resident.

7 The International Criminal Police Organisation (Immunities and Privileges) Order 2023 was laid on 20 April 2023 and will require approval by both Houses in due course.

engage CRAG. **We consider that any significant amendment which extends the scope of the P&I conferred by the Agreement should be subject to the CRAG process.**

12. **We report the Agreement to the House for information. In particular, we highlight our comments in paragraphs 7 and 11.**

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

Lord Fox
 Lord Geidt
 Lord Grimstone of Boscobel
 Baroness Hayter of Kentish Town
 Lord Howell of Guildford
 Lord Kerr of Kinlochard
 Baroness Kingsmill
 Lord Marland
 Lord Morris of Aberavon
 Lord Razzall
 Lord Udny-Lister
 Lord Watts

Declarations of interest

Lord Fox
No relevant interests
 Lord Geidt
No relevant interests
 Lord Grimstone of Boscobel
No relevant interests
 Baroness Hayter of Kentish Town
Senior Non-Executive Director, Association of British Insurers
 Lord Howell of Guildford
No relevant interests
 Lord Kerr of Kinlochard
No relevant interests
 Baroness Kingsmill
No relevant interests
 Lord Marland
No relevant interests
 Lord Morris of Aberavon
No relevant interests
 Lord Razzall
Director, North Atlantic Mining Associates Limited
Director, ZeU Technologies Inc
Shareholdings, ZeU Technologies Inc
Shareholdings, St-Georges Eco-Mining Corporation
Shareholdings, Tintra plc
 Lord Udny-Lister
Adviser to the Group Chairman of HSBC
 Lord Watts
No relevant interests