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Adam Tomkins MSP  
Convener  
Justice Committee  
Scottish Parliament  
Edinburgh  
EH99 1SP

21 September 2020

Dear Convener

### **The International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2020**

Further to the evidence I gave to the committee on Tuesday 15 September in relation to the above Order, the committee asked to be advised of the total number of persons in Scotland who currently receive privileges and immunities as a result of being employed by an international organisation.

17 international organisations which have been conferred various immunities and privileges immunities and privileges under Scots law are listed in the International Organisations (Immunities and Privileges) (Scotland) Order 2009, as amended.

These organisations are:

- Schedule 1 International Mobile Satellite Organisation
- Schedule 2 International Telecommunications Satellite Organisation
- Schedule 3 Organisation for Joint Armament Cooperation
- Schedule 4 International Seabed Authority
- Schedule 5 European Court of Human Rights
- Schedule 6 UNESCO
- Schedule 7 Organisation for the Prohibition of Chemical Weapons
- Schedule 8 International Maritime Organisation
- Schedule 9 Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organisation
- Schedule 10 European Police College
- Schedule 11 International Tribunal for the Law of the Sea
- Schedule 12 European Organisation for Nuclear Research
- Schedule 13 International Organisation for Migration
- Schedule 14 European Union Military Staff

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Schedule 15 European Organisation for Astronomical Research in the Southern Hemisphere  
Schedule 16 Asian Infrastructure Investment Bank  
Schedule 17 Unified Patent Court

Other international organisations enjoy immunities and privileges by virtue of Westminster legislation, The Foreign and Commonwealth Office have provided the following applicable list of international organisations in the UK (excluded from this list are organisations already mentioned):

Asian Infrastructure Investment Bank (AIIB)  
International Cocoa Organisation (ICCO)  
CAB International  
International Coffee Organisation (ICO)  
International Development Corporation (IDC)  
Commonwealth Foundation  
International Finance Commission (IFC) – World Bank Group  
Commonwealth Secretariat  
International Grains Council (IGC)  
Commonwealth Telecommunications Organisation (CTO)  
International Maritime Organisation (IMO)  
European Bank for Reconstruction and Development (EBRD)  
European Banking Authority (EBA)  
International Oil Pollution Compensation Fund (IOPCF)  
European Centre for Medium-Range Weather Forecasts (ECMWF)  
European Commission  
International Renewable Energy Agency (IRENA)  
European Global Navigation Satellite Systems Agency (GSA/GSMC)  
International Sugar Organisation (ISO)  
European Investment Bank (EIB)  
European Medicine Agency (EMA)  
International Whaling Commission  
European Molecular Biology Laboratory (Outstation) – European Bioinformatics Institute (EBI)  
North Atlantic Salmon Conservation Organisation (NASCO)  
European Parliament  
North East Atlantic Fisheries Commission (NEAFC)  
European Parliament Office in Scotland Office of the United Nations High Commissioner for Refugees (UNHCR)  
European School  
OSPAR Commission  
European Space Agency (ESA)  
UN Environment Programme World Conservation Monitoring Centre (UNEP-WCMC)  
Global Green Growth Institute (GGGI)  
UN Information Centre (UNIC)  
Hong Kong Economic and Trade Office (HKETO)  
UN World Food Programme  
International Bank for Reconstruction and Development (IBRD) – World Bank Group

In addition to these international organisations immunity will be applicable to accredited diplomats.

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Specific information about the total numbers afforded privileges and immunities in each organisation is not currently available. The personnel will change and for most of the international organisations listed the number is theoretical as while they may employ relatively large numbers of people, they have little or no presence in either the UK or Scotland. The privileges and immunities are therefore largely a technical obligation flowing from international treaties rather than of practical day-to-day importance.

Nonetheless we have asked the UK Government for further data and will supply that to the committee if they are able to provide more accurate figures.

The committee also expressed an interest in the possibility of Police Scotland being able to enter the premises. It may assist the committee to expand upon the evidence that was given.

The Headquarters Agreement which regulates the relationship between the SKAO and the United Kingdom sets out that the SKAO shall co-operate at all times with the relevant authorities of the United Kingdom to facilitate the enforcement of the United Kingdom's laws and to prevent the occurrence of any abuse in connection with privileges and immunities.

In the event of an emergency requiring prompt protective action, Police Scotland could enter the premises without a warrant. This would be done with the presumed consent of the Director-General, any person who has entered the premises with the presumed permission of the Director-General or of the head of the premises shall, if so requested by the Director-General or by the head of the premises, leave the premises immediately.

While the theoretical possibility exists that in a non-emergency situation, Police Scotland would not be permitted to enter SKAO premises, as per Paragraph 3 of the Schedule of the Order, the Headquarters Agreement also makes it clear that the SKAO shall not allow the premises to be used for any unlawful activity, or permit the premises to become a refuge from justice for persons who are avoiding arrest or service of legal process under the law of the United Kingdom, or against whom an order of extradition or deportation has been issued by the appropriate authorities

It is also worth noting that the SKAO headquarters are located at the Jodrell Bank Observatory in Macclesfield, Cheshire. While there may be people working for the SKAO in Scotland there are currently no SKAO premises in Scotland.

I hope this is helpful for the committee.



**Humza Yousaf**