



International Federation of Red Cross and Red Crescent Societies
Fédération internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge
Federación Internacional de Sociedades de la Cruz Roja y de la Media Luna Roja
الاتحاد الدولي لجمعيات الصليب الأحمر والهلال الأحمر

Background information sheet

Privileges and Immunities and Disaster Relief

Privileges and immunities refer to a set of rights that apply to certain individuals and entities as a matter of international law. Their historical origin is in the diplomatic relations of states and the resulting package of rules is aimed at ensuring the capacity of diplomatic and consular representatives to function independently and securely on foreign soil on behalf of their governments. With the growth of international organizations in the 19th and 20th centuries, similar needs of international organizations have led to the extension of privileges and immunities to a larger group of players, including some, but not all, of the key players in the area of disaster relief.



Detail from "The Ambassadors," Hans Holbein the Younger (1533), Source: Wikimedia Commons
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Their content

While the content of privileges and immunities varies to some extent by the holder, at their core is the objective of allowing the holder to easily enter, exit and operate in a foreign country with a minimum of interference from domestic authorities (once the latter have invited them into their country). A simplified and abbreviated list would include:

- **entry and exit.** Exemption from standard immigration restrictions and work permit rules, as well as from customs regulations and duties (for more information, see the IDRL Background Information Sheets on Visas, Customs and Transport).
- **exemptions** from personal service and similar requirements, as well as from most domestic taxation
- **inviolability** of buildings, archives and communications
- **immunity** of covered entities and individuals from the jurisdiction of domestic courts and administrative tribunals
- **recognition of legal personality** at the domestic level, allowing the covered entity to enter into enforceable contracts, acquire and dispose of property and institute legal proceedings

Holders of privileges and immunities

In customary international law, the original holders of privileges and immunities were states and their diplomatic and consular representatives. In addition to ambassadors, attachés and consular officers, certain exemptions were extended to the immediate family of these representatives and to special missions (for example, of visiting officials).

These rules have been generally codified in the [Vienna Convention on Diplomatic Relations](#) of 1961 and the [Vienna Convention on Consular Relations](#) of 1963.

However, diplomatic privileges and immunities do not apply to all representatives or employees of a foreign government, even if present in a country on official business. Thus, in nearly all the many bilateral agreements on disaster relief, the parties have made special agreements about the status of relief personnel, goods and equipment provided by the assisting state. See, for example, the [Agreement between Denmark and the Federal Republic of Germany on Mutual Assistance in the Event of Disasters or Serious Accidents](#) of 1985.

The United Nations, its agencies and officials also enjoy privileges and immunities under a series of widely-ratified instruments, including the [Convention on Privileges and Immunities of the United Nations](#) of 1946 and the [Convention on Privileges and Immunities of the Specialized Agencies](#) of 1947. Thus, UN agencies involved in disaster relief activities, such as the World Food Programme, the United Nations Children's Fund and the World Health Organization, may make use of their status to facilitate the entry and operation of their relief personnel, goods and equipment. Other international and regional intergovernmental organizations have also been accorded privileges and immunities in international law, including a number active in disaster response, such as the International Organization for Migration, the European Union and ASEAN. In addition to these intergovernmental organizations, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies have been accorded privileges and immunities in the status agreements they have concluded with the governments of most countries where they operate, due to their unique mandates and composition. The privileges and immunities conferred in these agreements are modelled on those provided to the United Nations.

Privileges and immunities of varying scope are also provided in a number of disaster-specific multilateral treaties, such as the [Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations](#) of 1998 (art. 5), the [ASEAN Agreement on Disaster Management and Emergency Response](#) of 2005 (art. 14), the [Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency](#) of 1986 (art. 8) and the [InterAmerican Convention to Facilitate Disaster Assistance](#) (art. XI). Significantly, the Tampere Convention and the ASEAN Agreement extend certain privileges and immunities to NGOs under particular circumstances.

Limits of privileges and immunities

Privileges and immunities are not absolute. Receiving states retain the right to prohibit an organization from entering and operating on its territory in the first instance, as well as to declare a particular official or representative persona non grata and exclude him or her from their territory. Moreover, the parties enjoying privileges and immunities are also enjoined by the relevant instruments not to abuse them, to ensure that complaints about them can be addressed (usually through an arbitration procedure) and to exercise good faith in cooperating with domestic authorities, where doing so would not compromise their functionality. The immunities enjoyed by officials may also be waived by the sending state or organization.

For more information

See the IDRL web site and online legal database at www.ifrc.org/idrl or contact us at:

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