

## FINLAND

### LEGAL BASIS

- 1. Has your State signed and/or ratified the *United Nations Convention on special missions* (1969)? If not, does your State intend to sign/ratify the Convention?**

Finland has signed the Convention on 28 December 1970 but has not ratified it. However, some provisions of the Agreement have been implemented in national legislation (ref. answer to question 3).

- 2. Does your State apply other international legal instruments in this area (ex.: bilateral, multilateral agreements or headquarters agreements)?**

Finland has concluded headquarters agreements with international organizations that have established their headquarters or other offices in Finland (see for example agreements with the European Forest Institute (EFI) (SopS 14-15/2007) and International Organization for Migration (IOM) (SopS 31/1993) and Baltic Marine Environment Protection Commission (SopS 6/1999). These agreements may have relevance in this area.

- 3. Has your State adopted a specific national legislation in the field of immunities of special missions?**

- a. If so, please provide information concerning the relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources);**
- b. If not, is the issue of immunities of special missions covered by another part of your legislation? If so, please provide information concerning these relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources).**

Yes, the Act on the Privileges and Immunities of International Conferences and Special Missions ("the Privileges Act", 572/1973), and the Decree on the Privileges and Immunities of International Conferences and Special Missions (728/1973). Unofficial translations of the act and the decree are available through the following links:  
<http://www.finlex.fi/fi/laki/kaannokset/1973/en19730572.pdf> and  
<http://www.finlex.fi/fi/laki/kaannokset/1973/en19730728.pdf>.

- 4. Have the authorities of your State released official statements, reports or any other document concerning the status and the immunities of special missions? If so, please provide any relevant information relating to these documents.**

No official statements by Finland on the nature of obligations and/or definitions regarding immunity of special missions have been made.

Government proposals on the Privileges Act and on amendments thereto (HE 57/1973 vp and HE 112/1991 vp) include information in this area. These are available in the official languages of Finland, that is in Finnish and Swedish.

- 5. Does your State consider that certain obligations and/or definitions regarding immunity of special missions derive from customary international law? If so, please provide a brief description of the main requirements of customary international law in this respect.**

Finland refers to section 5 of the Act on the Privileges and Immunities of International Conferences and Special Missions (572/1973; amendments up to 1649/1991 included):

*In addition to what is otherwise provided in this Act, the head of a foreign State or the head of Government, Minister for Foreign Affairs or other person of high rank of a foreign State in the capacity of the head or a member of the delegation or the special mission shall enjoy all the privileges and immunities accorded such persons by international law and **custom**.*

Section 5 expresses the rule according to which foreign head of state, prime minister, foreign minister or any other person with rank will have the privileges and immunities that according to international law and international custom belong to them, when they are acting as a head of delegation or head of a special mission or as a member in them. This is in addition to what else is regulated in the Act.

**6. Please provide information on the scope of the immunities of special missions, in particular:**

The immunities applied in Finland are defined in the Act on the Privileges and Immunities of International Conferences and Special Missions (572/1973).

**a. The extent of the privileges and immunities granted to special missions and to their members;**

See Section 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of the Privileges Act (572/1973).

**b. The scope *ratione personae* (categories of individuals who may enjoy an immunity of special mission);**

According to the Privileges Act (572/1973), the immunities are granted to members of the special mission and their family members and to some extent to members of service staff who are employed in the domestic service of the special mission.

However, the Privileges Act (572/1973) provides that "[w]here Finland and a foreign State have agreed about restricting the immunities referred to in this section, such agreement shall be applicable."

The scope *ratione personae* of the immunities is also limited by Section 15 of the Privileges Act (572/1973), which provides that *Members of the delegation or the special mission who are Finnish nationals or permanently resident in Finland shall enjoy the privileges and immunities referred to in sections 9 to 11, 13 and 14 exclusively in respect of acts performed in the course of their official duties according to Section 15 subsection 1 of the Act, and that family members of members of the delegation or the special mission shall enjoy the privileges and immunities referred to in sections 9 to 14 only if they are not Finnish nationals or permanently resident in Finland.*

In addition, Section 5 reads as follows: *In addition to what is otherwise provided in this Act, the head of a foreign State or the head of Government, Minister for Foreign Affairs or other person of high rank of a foreign State in the capacity of the head or a member of the delegation or the special mission shall enjoy all the privileges and immunities accorded to such persons by international law and custom.*

**c. The scope *ratione materiae*, in particular by specifying if there are exceptions to the granting of the immunity;**

See the information provided in section a.

**d. The temporal limits of the immunities accorded to special missions.**

According to Section 16 of the Privileges Act *the date of commencement and termination of the privileges and immunities referred to in this Act shall be subject to the same provisions as those applicable to members of diplomatic missions in Finland in this respect.*

## NATIONAL PRACTICE AND PROCEDURE

7. **Is there national case law in the field of immunities of special missions? If so, please provide information on these decisions (date of the judgment, authority that issued the judgment, name of the parties, main points of law, French or English translation of the judgment or summary of the judgment in English or in French).**

No.

8. **Is there a mechanism of formal agreement of special missions, namely a process under which your State can accept in advance that an official visit constitutes or not a special mission?**

There exists no established mechanism of formal agreement of special missions, but it may be noted that the immunities granted in the Finnish Privileges Act apply only to special missions sent to Finland by foreign States with the consent of the Government of Finland and vested with functions mutually agreed upon by the respective States.

- a. If yes, which authority delivers these agreements? What weight do the courts attach to such agreements? Is there a formal notification or communication procedure between the governmental authorities and the courts?**

As mentioned above, such consent is accorded by the Government. In accordance with the section 13 of the Government Rules of Procedure representation of Foreign States and Organizations in Finland falls within the mandate of the Ministry for Foreign Affairs.

According to the section 13, paragraph 9 of the Government Rules of Procedure the mandate of the Ministry for Foreign Affairs shall cover representation of foreign states and international organisations in Finland.

According to section 11 of the Government Rules of Procedure, each ministry shall, consider international matters, within the ministry's mandate.

On the basis of the sections referred to above, the Ministry for Foreign Affairs is responsible for agreements of special missions and regarding international conferences, each ministry, within its mandate, is in charge of the organisation of a conference falling under its mandate.

- b. In the absence of such a formal agreement, can an implied consent derive from the behaviour of the governmental authorities?**

n/a