

IRELAND

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?**

Ireland has neither signed nor ratified the Convention. It has no plans currently to accede to the Convention.

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

A number of multilateral instruments connected with Ireland's membership of various international organisations contain provisions that would apply to visiting missions/officials/delegations, such as the Convention on the Privileges and Immunities of the United Nations, the Protocol on the Privileges and Immunities of the European Union, and the General Agreement on Privileges and Immunities of the Council of Europe.

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

Sections 44 and 45 of the Diplomatic Relations and Immunities Act 1967 permit the Minister for Foreign Affairs and Trade to publish details of international conferences being held in the State in the Government's official journal, *Iris Oifigiúil*. Representatives attending the conference will thereby enjoy equivalent privileges and immunities as those enjoyed by members of diplomatic missions accredited to Ireland. In practice this provision is not utilised, on the understanding that immunities can be applicable to special missions by virtue of customary international law, which forms part of Irish law.

- 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);**

<http://www.irishstatutebook.ie/1967/en/act/pub/0008/index.html>

- 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).**

n/a

- 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.

- 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.**

Ireland accepts that members of special missions may be entitled to certain immunities but has not taken a position as to the precise scope of immunities applicable to special missions under customary international law. Any situation that was to arise would be considered on a case by case basis. If an issue of special mission immunity arose in the context of legal proceedings in Ireland,

it would be for the relevant court to determine to what extent immunity applied with reference to customary international law.

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

- a. The extent of the privileges and immunities granted to special missions and to their members;**
- b. The scope *ratione personae* (categories of individuals who may enjoy an immunity of special mission);**
- c. The scope *ratione materiae*, in particular by specifying if there are exceptions to the granting of the immunity;**
- d. The temporal limits of the immunities accorded to special missions.**

See previous answer.

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?

No, with the exception of the legislative procedure for international conferences in sections 44 and 45 of the Diplomatic Relations and Immunities Act 1967 described above.

- 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?**

Sections 44 and 45 of the Diplomatic Relations and Immunities Act 1967 provides for a procedure in respect of international conferences – described above. If, in the context of court proceedings, confirmation of an individual's entitlement to immunity under this procedure was sought, the Minister for Foreign Affairs and Trade could issue a certificate pursuant to section 47 of the Act, which constitutes prima facie evidence of entitlement to immunity. The section 44/45 procedure is not utilised in practice, however.

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

This is somewhat uncertain, as there are no domestic judicial precedents to draw on, although our understanding is that the behaviour of governmental authorities would be relevant in any determination of whether a visit constituted a special mission.