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SYMPOSIUM ON INTERPOL AT 100: IMPROVING THE ORGANIZATION'S LEGAL FRAMEWORK

INNOVATIONS IN MULTILATERALISM: REFLECTIONS ON DEVELOPING INTERPOL'S AGREEMENT ON PRIVILEGES AND IMMUNITIES

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Introduction

This essay is part of an ongoing dialogue on INTERPOL's role in international law and global governance. It argues that INTERPOL's 2025 General Agreement on the Privileges and Immunities of the ICPO-INTERPOL (General Agreement)[1] reflects a remarkable development in the multilateral recognition of international organizations.

For most of its history, INTERPOL relied primarily on privileges and immunities conferred only by its host states—Austria until 1946, and thereafter France—even as it operated on a truly global scale. This host-state dependency exposed INTERPOL to vulnerabilities, since its officials enjoyed consistent protections only in a single jurisdiction, and elsewhere depended on ad hoc assurances or diplomatic goodwill. By contrast, the General Agreement places INTERPOL on the same legal footing as other major intergovernmental organizations, offering uniform safeguards across its membership.

The General Agreement affirms INTERPOL's legal personality and aligns its institutional framework with prevailing rules governing intergovernmental bodies. In keeping with the tradition of similar foundational instruments,[2] the General Agreement underscores the principles of independence and neutrality by providing core privileges and immunities essential to INTERPOL's mission. These include: immunity from legal process for the Organization and for INTERPOL officials acting in their official capacity; facilitation of movement for officials; privileges for official communications and the inviolability of documents and archives; and financial autonomy, including the ability to operate bank accounts and receive, hold, and transfer funds.

By engaging in a detailed examination of these fundamental facilitations in the following sections, we seek to illuminate their origins, importance, and evolution through the lens of the development of INTERPOL's modern General Agreement. The exploration of these concepts' adaptation into a modern international agreement is intended to demonstrate the innovativeness of the General Agreement, which adapts the aforementioned

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[1] The General Agreement was presented to the INTERPOL General Assembly for its adoption at the 93rd session of the General Assembly (Marrakech, Morocco, November 24–27, 2025), followed by the General Agreement immediately being opened for signature.

[2] The Convention on the Privileges and Immunities of the United Nations, Feb. 13, 1946, *entered into force* Sept. 17, 1946, 1 UNTS 15, serves as an ideal example of a model agreement framing the subsequent conceptualization of privileges and immunities of international organizations.

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concepts for the twenty-first century and supports INTERPOL's vital role in the global fight against transnational crime.

Origins in the Practice of the League of Nations

International organizations, as we now understand them, began taking shape in the nineteenth century. Early bodies received privileges and immunities inconsistently, often only by implication.[3] The first notable, general recognition arrived with the League of Nations (League) in 1920 under the Covenant of the League of Nations (Covenant).[4]

The Covenant established that League officials, when conducting official business, were entitled to diplomatic privileges and immunities.[5] Further details emerged through practice. For instance, agreements with Switzerland in 1921 and 1926 recognized the League's immunity from Swiss legal process and ensured the free movement of its officials.[6]

The League's freedom of expression and communication was equally central to its autonomy.[7] Its public condemnation of Italy's invasion of Ethiopia, for example, depended on the ability to issue statements, circulate commission reports, and broadcast collective judgments.[8]

Financial autonomy was another milestone. The League operated and controlled its own bank accounts and could transfer funds without interference by national authorities, with Switzerland formally acknowledging this right in 1926.[9]

Despite the League's privileges and immunities lacking codification in a single instrument, its practice reflected four core protections, as set out above: (1) immunity from jurisdiction; (2) freedom of movement for personnel; (3) freedom of expression and communication; and (4) the ability to transfer funds and operate bank accounts. Together, these enabled the League to act as a credible, independent international institution and provided a template for its successors.

Codification and Innovation at the International Monetary Fund

Founded in 1944, the International Monetary Fund (IMF) sought to promote economic stability and international monetary cooperation amongst its members.[10] Its 1944 Articles of Agreement of the IMF (Articles of Agreement), its constitutive instrument, formally codified these core protections within Article IX.[11]

[3] Tiina Pajuste, *The Evolution of the Concept of Immunity of International Organisations*, STUD. IN PHIL. EAST-WEST, 10 (2017).

[4] Covenant of the League of Nations, June 28, 1919, 225 Consol. T.S. 195.

[5] *Id.*, para 4.

[6] Communications from the Swiss Federal Council Concerning Diplomatic Immunities to Be Accorded to the League of Nations and of the International Labour Office, Annex 911a, 7 LEAGUE OF NATIONS OFFICIAL J., at 1422, Art. I (1926). On the functional responsibilities of the General Secretariat of the League of Nations, see, United Nations Office at Geneva, *Main Organs of the League of Nations* (last visited Aug. 8, 2025).

[7] These rights were recognized implicitly in the League's Covenant and institutional practice, and more explicitly in the bilateral agreements the League concluded with host states, particularly Switzerland.

[8] John H. Spencer, *The Italian-Ethiopian Dispute and the League of Nations*, 31 AJIL 614 (1937).

[9] Communications from the Swiss Federal Council, *supra* note 6, at 1422, Art. VI; *see generally* J. David Singer, *The Finances of the League of Nations*, 13 INT'L ORG. 255 (1959).

[10] Articles of Agreement of the International Monetary Fund, July 22, 1944, *entered into force* Dec. 27 1945, 2 UNTS 39.

[11] *Id.*

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Firstly, in terms of immunity from jurisdiction, Section 3 of Article IX expressly grants the IMF, its property, and assets "immunity from every form of judicial process" unless expressly waived.[12] This is reinforced by Section 4, which extends immunity from "search, requisition, confiscation, expropriation, or any other form of seizure" by legislative or executive action.[13] Unlike earlier practice, where judicial immunity for international bodies rested on diplomatic analogy, the IMF's Articles of Agreement expressly enshrined and made such immunity binding on all its member states.

Secondly, in terms of freedom of movement, while Article IX does not use this modern terminology, it provides this protection indirectly in Section 8(ii), obliging members to grant IMF officials equivalent immunities from "immigration restrictions, alien registration requirements, and national service obligations" as those accorded to comparable foreign officials.[14] By ensuring that IMF personnel can enter, reside, and travel in the territory of member states without administrative hindrance, the Agreement facilitates the Fund's ability to operate across borders, a prerequisite for any truly international institution.

Thirdly, in terms of freedom of expression and communication, Section 7 of Article IX confers on the IMF's "official communications" the same treatment as those of member governments.

Fourthly, Section 6 of Article IX establishes the IMF's financial autonomy by declaring that the IMF's property and assets, wherever located, are insulated from national foreign exchange controls, capital restrictions, or emergency moratoria.[15] Combined with the immunities from taxation in Section 9, these codifications enshrined a vital principle for any organization tasked with global monetary oversight.

By expressly codifying these privileges and immunities, Article IX of the IMF's founding treaty established a precedential framework, serving as a reference for the systematic treatment of similar matters in public international law. Indeed, just two years later, the 1946 Convention on the Privileges and Immunities of the United Nations would significantly expand and define the scope of these four foundational protections.

Development in the Work of the United Nations

The 1946 Convention on the Privileges and Immunities of the United Nations (1946 UN Convention) serves as a seminal agreement, establishing the principle of immunity from jurisdiction for the United Nations, its assets, and its operations, and provides for the inviolability of the Organization's premises and archives.[16] The Convention also grants freedom of movement to the United Nations' officials and personnel, and exempts the Organization from taxation and other fiscal obligations.[17] The 1947 Convention on the Privileges and Immunities of the Specialized Agencies (1947 UN Convention) builds upon the principles established in the 1946 UN Convention, and applies them to the Specialized Agencies of the United Nations, such as the World Health Organization, the Food and Agriculture Organization, and the United Nations Educational, Scientific and Cultural Organization.

[12] *Id.* Art. IX, Sec. 3.

[13] *Id.* Art. IX, Sec. 4.

[14] *Id.* Art. IX, Sec. 8(ii).

[15] *Id.* Art. IX, Sec. 6.

[16] The Convention on the Privileges and Immunities of the United Nations, *supra* note 2, Art. II, Secs. 2–4.

[17] *Id.* Arts. VII, Art. II, Sec. 7, respectively.

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The 1946 and 1947 UN Conventions remain in force and highly relevant seven decades after their adoption. Their enduring influence is further evidenced through the replication of key terms and structural provisions across a wide array of subsequent multilateral instruments.[18]

Further Innovation in the INTERPOL General Agreement on Privileges and Immunities

INTERPOL's most recent entry into the aforementioned history of privileges and immunities treaties simultaneously preserves their key concepts while allowing for innovation therein to align with the modern era. This process asserts INTERPOL's legal personality and aids its core mission of international law enforcement cooperation. Central to this autonomy are the four core facilitations, i.e., immunity from legal process, freedom of movement, communicative autonomy, and financial independence. Each of these is indispensable to INTERPOL's mission. They serve as functional guarantees enabling INTERPOL to operate as a neutral and effective actor in a complex and politically sensitive international landscape.

Immunity from Legal Process

The immunity from legal process is essential to insulate the Organization and its officials from the domestic legal systems of member states. Such immunity ensures that INTERPOL remains impartial and facilitates its operational mandate, without entanglement in national controversies. The wave of lawsuits filed across various jurisdictions challenging the issuance or abuse of INTERPOL Red Notices, serves as an illustrative example.[19] In the absence of legal immunity, these suits could be used as tools of coercion or retaliation against INTERPOL staff or disrupt the Organization's ability to coordinate with national authorities.

The General Agreement clarifies that INTERPOL officials' immunity from legal process covers not merely judicial process but for other forms of administrative processes linked to the Organization's core functioning. Thus, the General Agreement shields the Organization from becoming a proxy battleground for politically sensitive disputes.[20] Previous agreements such as the 1946 and 1947 United Nations Conventions used the formulation "every form of legal process." Over time, this formulation in practice caused confusion. Such approaches to clarifying the distinction between judicial processes and other administrative processes showcase consistency with protections afforded to other international organizations, such as the United Nations (UN) or the World Bank, whose officials enjoy similar immunities preventing national courts from interfering with the global operations of such organizations.[21]

[18] *See, e.g.*, Agreement on the Privileges and Immunities of the International Atomic Energy Agency, July 1, 1959, *entered into force* July 29, 1960, 374 UNTS 147; Protocol (No. 7) on the Privileges and Immunities of the European Union, Oct. 10, 2012, Arts. 1–6, OJ C 326/266; Agreement on Privileges and Immunities of the Global Fund to Fight AIDS, Tuberculosis and Malaria, Dec. 14, 2009, *entered into force* Apr. 17, 2019, 3299 UNTS; Agreement on the Privileges and Immunities of the International Criminal Court, Sept. 9, 2002, *entered into force* July 22, 2004, 2271 UNTS 3; Agreement on Privileges and Immunities for the International Renewable Energy Agency, Jan. 13, 2013, Arts. 3–5.

[19] *See* Fair Trials, *Dismantling the Tools of Oppression: Ending the Misuse of INTERPOL* (Oct. 2018).

[20] General Agreement on the Privileges and Immunities of the International Criminal Police Organization ICPO-INTERPOL, Art. 11 [hereinafter Draft General Agreement].

[21] *See* note 18 *supra*.

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Freedom of Movement

Arguably, the effectiveness of any transnational policing body hinges on its ability to operate across borders, accordingly, the *freedom of movement* serves as a foundational requirement for INTERPOL officials. The General Agreement guarantees that INTERPOL personnel, including members of its General Secretariat and Field Offices, are granted entry and exit without being subject to visa denials, travel bans, arbitrary delays or restrictions for official missions.[22]

Beyond its theoretical stipulation, this facilitation is practically necessary as INTERPOL officials must frequently deploy its personnel to crisis zones, conflict-affected areas, or member countries to investigate organized crime, terrorism, or human trafficking.[23] In 2021, for instance, INTERPOL supported cross-border operations in West Africa targeting cybercrime networks, a task requiring rapid and coordinated travel among multiple jurisdictions.[24] Without assured mobility, such missions could be logistically infeasible or seriously impaired by delays. The agreement further innovates by providing freedom of movement only to officials in most cases, thus ensuring that States Parties have greater control over their sovereignty than older agreements which extended to family members.

Such protections within INTERPOL's General Agreement were drafted in a way that closely conforms to equivalent provisions, such as those contained in the 1959 IAEA Agreement.[25]At the same time, they take into account the fact that, unlike the UN and its Specialized Agencies, INTERPOL does not issue *Laissez-passers*, and thus the freedom of movement requires alternative facilitations in order to be effective.

Freedom of Expression and Communication

In terms of *freedom of expression and communication*, INTERPOL's operational authority largely resides in its ability to issue notices, alerts, and communications across its member network, particularly the issuance of Red Notices, Blue Notices, and diffusions. This facilitation is, therefore, dually necessary for INTERPOL's functioning and beneficial to its wide membership, as the effective dissemination of these notices and communications enables member countries to coordinate their efforts and respond promptly to emerging threats, ultimately enhancing global security and cooperation. Innovatively, the General Agreement provides an expanded and modern definition of "archives" encompassing much of this activity, which ensures that INTERPOL's crucial role in the sharing of information for law enforcement cooperation will be strengthened and safeguarded in the digital age.

Under the General Agreement, the Organization's communications are protected from censorship, obstruction, or unauthorized interference.[26] Such guarantees are essential to ensure that INTERPOL's facilitation of global law enforcement cooperation can be conducted in a politically neutral manner in line with Article 3 of INTERPOL's Constitution. By safeguarding the integrity and confidentiality of its communications, INTERPOL can maintain the trust and confidence of its member countries, which is crucial for fostering collaboration and achieving its mission to prevent and combat transnational crime.

[22] General Agreement, *supra* note 20, Art. 8.

[23] Notable examples of these activities are INTERPOL's Incident Response Teams (IRT) and Major Event Support Teams (IMEST). Both are deployed at the request of INTERPOL's member countries, the former in response to major incidents such as the 2020 explosion in Beirut that killed over 150 people. The latter are deployed to help member countries in their preparation to host major events such as the Olympics or World Cup. *See generally*, INTERPOL, *INTERPOL Response Teams* (last visited Aug. 11, 2025).

[24] INTERPOL, *Operation African Surge Tackles Cybercrime Across West Africa* (2021).

[25] IAEA Agreement, *supra* note 18, Art. IV.

[26] General Agreement, *supra* note 20, Art. 5.

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The combination of INTERPOL's operational authority and the protection of its communications underpins the Organization's ability to facilitate effective global law enforcement cooperation. By leveraging its network and issuing notices, alerts, and communications, INTERPOL plays a vital role in supporting its member countries in their efforts to prevent and combat transnational crime. Ultimately, the Organization's commitment to neutrality, integrity, and confidentiality enables it to maintain its position as a trusted and indispensable partner in the global fight against crime, and its continued success is crucial for promoting a safer and more secure world.

Financial Autonomy

Lastly, *financial autonomy* is vital to preserving INTERPOL's independence from national leverage. INTERPOL's General Agreement provides INTERPOL with the authority to receive, hold, and transfer funds across borders, and to operate bank accounts free from interference.[27] For example, the General Agreement guarantees INTERPOL's capacity to manage its financial resources independently, including the ability to receive voluntary contributions, manage multilateral project funding, and finance its programs without state-imposed restrictions. INTERPOL's 2020 financial partnership with the European Union on combatting human trafficking across the Mediterranean demonstrates the necessity of such financial mobility and trust.[28] This model aligns with the financial independence granted to other intergovernmental organizations, such as the World Health Organization, which also relies on the ability to manage extrabudgetary funds in crisis-response efforts.[29]

Conclusion

Privileges and immunities guarantee INTERPOL's stable functioning as an intergovernmental organization, especially through the fundamental facilitations of legal immunity, freedom of mobility, communicative independence, and financial autonomy.

As Sir Michael Wood observes in his contribution to this symposium, past uncertainties surrounding INTERPOL's legal status under international law have largely been settled through practice: the 1982 UN Office of Legal Affairs opinion, France's 1983 headquarters agreement, and later recognition by the UN General Assembly and states such as the United Kingdom in 2023. That evolution established INTERPOL as an intergovernmental organization under international law, a point that complements and reinforces the institutional consolidation brought about by the General Agreement on Privileges and Immunities.

By codifying these rights in its privileges and immunities agreement, INTERPOL has solidified its status not merely as a facilitator of police cooperation, but as an organization with international legal personality within the framework of public international law. The General Agreement adapts traditional protections to the specific and evolving demands of modern transnational policing, marking a decisive step in INTERPOL's legal and institutional maturation. When read alongside the consolidation of its legal status, described by Wood, perhaps the General Agreement can best be seen as a decisive step forward in the entire modern project of multilateralism.

[27] *Id.* Art 6.

[28] EUROPOL/INTERPOL Project SOTERIA, 2020 – European Commission, DG HOME Report.

[29] World Health Organization, Basic Documents, Ch. XIV (49th ed. 2020).

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