

No. 2631

CAMBODIA, CANADA, EL SALVADOR, HAITI, etc.

Agreement (with Protocol of Signature) for facilitating the international circulation of visual and auditory materials of an educational, scientific and cultural character. Opened for signature at Lake Success, New York, on 15 July 1949

Procès-verbal of deposit of the model form of certificate provided for in article IV of the above-mentioned Agreement. Done at Lake Success, New York, on 5 September 1950

Official texts: English and French.

Registered ex officio on 12 August 1954.

CAMBODGE, CANADA, SALVADOR, HAÏTI, etc.

Accord (avec Protocole de signature) visant à faciliter la circulation internationale du matériel visuel et auditif de caractère éducatif, scientifique et culturel. Ouvert à la signature à Lake Success, New-York, le 15 juillet 1949

Procès-verbal de dépôt du modèle de certificat prévu à l'article IV de l'Accord susmentionné. Fait à Lake Success, New-York, le 5 septembre 1950

Textes officiels anglais et français.

Enregistrés d'office le 12 août 1954.

No. 2631. AGREEMENT¹ FOR FACILITATING THE INTERNATIONAL CIRCULATION OF VISUAL AND AUDITORY MATERIALS OF AN EDUCATIONAL, SCIENTIFIC AND CULTURAL CHARACTER. OPENED FOR SIGNATURE AT LAKE SUCCESS, NEW YORK, ON 15 JULY 1949

The Governments of the States signatory to the present Agreement,

Being convinced that in facilitating the international circulation of visual and auditory materials of an educational, scientific and cultural character, the free flow of ideas by word and image will be promoted and the mutual understanding of peoples thereby encouraged, in conformity with the aims of the United Nations Educational, Scientific and Cultural Organization,

Have agreed as follows :

Article I

The present Agreement shall apply to visual and auditory materials of the types specified in article II which are of an educational, scientific or cultural character.

Visual and auditory materials shall be deemed to be of an educational, scientific and cultural character :

(a) When their primary purpose or effect is to instruct or inform through the development of a subject or aspect of a subject, or when their content is such as to maintain, increase or diffuse knowledge, and augment international understanding and goodwill; and

(b) When the materials are representative, authentic, and accurate; and

(c) When the technical quality is such that it does not interfere with the use made of the material.

¹ Came into force on 12 August 1954, ninety days after the deposit of the tenth instrument of acceptance or accession, in accordance with article XII.

The following States deposited with the Secretary-General of the United Nations their instruments of acceptance or accession (a) on the dates indicated :

Norway	12 January 1950	Iraq (a)	29 August 1952
Pakistan	16 February 1950	Philippines	13 November 1952
Yugoslavia (a)	30 June 1950	El Salvador	24 June 1953
Canada	4 October 1950	Haiti	14 May 1954
Syria	16 September 1951	Greece	9 July 1954
Cambodia (a)	20 February 1952		

Article II

The provisions of the preceding article shall apply to visual and auditory materials of the following types and forms :

- (a) Films, filmstrips and microfilm in either negative form, exposed and developed, or positive form, printed and developed;
- (b) Sound recordings of all types and forms;
- (c) Glass slides; models, static and moving; wall charts, maps and posters.

These materials are hereinafter referred to as “ material ”.

Article III

1. Each of the contracting States shall accord, within six months from the coming into force of the present Agreement with respect to that State, exemption from all Customs duties and quantitative restrictions and from the necessity of applying for an import licence in respect of the importation, either permanent or temporary, of material originating in the territory of any of the other contracting States.

2. Nothing in this Agreement shall exempt material from those taxes, fees, charges or exactions which are imposed on the import of all articles without exception and without regard to their nature and origin, even though such articles are exempt from Customs duties; such taxes, fees and exactions shall include, but are not limited to, nominal statistical fees and stamp duties.

3. Material entitled to the privileges provided by paragraph 1 of this article shall be exempt, in the territory of the country of entry, from all internal taxes, fees, charges or exactions other or higher than those imposed on like products of that country, and shall be accorded treatment no less favourable than that accorded like products of that country in respect of all internal laws, regulations or requirements affecting its sale, transportation or distribution or affecting its processing, exhibition or other use.

4. Nothing in this Agreement shall require any contracting State to deny the treatment provided for in this article to like material of an educational, scientific or cultural character originating in any State not a party to this Agreement in any case in which the denial of such treatment would be contrary to an international obligation or to the commercial policy of such contracting State.

Article IV

1. To obtain the exemption, provided under the present Agreement for material for which admission into the territory of a contracting State is sought, a

certificate that such material is of an educational, scientific or cultural character within the meaning of article I, shall be filed in connexion with the entry.

2. The certificate shall be issued by the appropriate governmental agency of the State wherein the material to which the certificate relates originated, or by the United Nations Educational, Scientific and Cultural Organization as provided for in paragraph 3 of this article, and in the forms annexed¹ hereto. The prescribed forms of certificate may be amended or revised upon mutual agreement of the contracting States, provided such amendment or revision is in conformity with the provisions of this Agreement.

3. Certificates shall be issued by the United Nations Educational, Scientific and Cultural Organization for material of educational, scientific or cultural character produced by international organizations recognized by the United Nations or by any of the specialized agencies.

4. On the filing of any such certificate, there will be a decision by the appropriate governmental agency of the contracting State into which entry is sought as to whether the material is entitled to the privilege provided by article III, paragraph I, of the present Agreement. This decision shall be made after consideration of the material and through the application of the standards provided in article I. If, as a result of that consideration, such agency of the contracting State into which entry is sought intends not to grant the privileges provided by article III, paragraph I, to that material because it does not concede its educational, scientific and cultural character, the Government of the State which certified the material, or UNESCO, as the case may be, shall be notified prior to any final decision in order that it may make friendly representations in support of the exemption of that material to the Government of the other State into which entry is sought.

5. The governmental agency of the contracting State into which entry is sought shall be entitled to impose regulations upon the importer of the material to ensure that it shall only be exhibited or used for non-profit-making purposes.

6. The decision of the appropriate governmental agency of the contracting State into which entry is sought, provided for in paragraph 4 of this article shall be final, but in making its decision the said agency shall give due consideration to any representations made to it by the Government certifying the material or by UNESCO as the case may be.

Article V

Nothing in the present Agreement shall affect the right of the contracting States to censor material in accordance with their own laws or to adopt measures to prohibit or limit the importation of material for reasons of public security or order.

¹ See p. 34 of this volume.

Article VI

Each of the contracting States shall send to the United Nations Educational, Scientific and Cultural Organization a copy of each certificate which it issues to material originating within its own territory and shall inform the United Nations Educational, Scientific and Cultural Organization of the decisions taken and the reasons for any refusals in respect of certified materials from other contracting States for which entry is sought into its own territory. The United Nations Educational, Scientific and Cultural Organization shall communicate this information to all contracting States and shall maintain and publish in English and French catalogues of material showing all the certifications and decisions made in respect of them.

Article VII

The contracting States undertake jointly to consider means of reducing to a minimum the restrictions that are not removed by the present Agreement which might interfere with the international circulation of the material referred to in article I.

Article VIII

Each contracting State shall communicate to the United Nations Educational, Scientific and Cultural Organization, within the period of six months following the coming into force of the present Agreement, the measures taken in their respective territories to ensure the execution of the provisions of the present Agreement. The United Nations Educational, Scientific and Cultural Organization shall communicate this information as it receives it to all contracting States.

Article IX

1. All disputes arising out of the interpretation or application of the present Agreement between States which are both parties to the Statute of the International Court of Justice, except as to articles IV and V, shall be referred to the International Court of Justice unless in any specific case it is agreed by the parties to have recourse to another mode of settlement.

2. If the contracting States between which a dispute has arisen are not parties or any one of them is not party to the Statute of the International Court of Justice, the dispute shall, if the States concerned so desire, be submitted, in accordance with the constitutional rules of each of them, to an arbitral tribunal established in conformity with the Convention for the Pacific Settlement of International Disputes signed at The Hague on 18 October 1907,¹ or to any other arbitral tribunal.

¹ De Martens, *Nouveau Recueil général de Traités*, troisième série, tome III, p. 360. League of Nations, *Treaty Series*, Vol. LIV, p. 435, and Vol. CXXXIV, p. 453.

Article X

The present Agreement is open to acceptance by the signatory States. The instrument of acceptance shall be deposited with the Secretary-General of the United Nations who shall notify all the Members of the United Nations of each deposit and the date thereof.

Article XI

1. On or after 1 January 1950 any Member of the United Nations not a signatory to the present Agreement, and any non-member State to which a certified copy of the present Agreement has been communicated by the Secretary-General of the United Nations, may accede to it.

2. The instrument of accession shall be deposited with the Secretary-General of the United Nations, who shall notify all the Members of the United Nations and the non-member States, referred to in the preceding paragraph, of each deposit and the date thereof.

Article XII

1. The present Agreement shall come into force ninety days after the Secretary-General of the United Nations has received at least ten instruments of acceptance or accession in accordance with article X or article XI. As soon as possible thereafter the Secretary-General shall draw up a *procès-verbal* specifying the date on which, in accordance with this paragraph, the present Agreement shall have come into force.

2. In respect of each State on behalf of which an instrument of acceptance or accession is subsequently deposited, the present Agreement shall come into force ninety days after the date of the deposit of such instrument.

3. The present Agreement shall be registered with the Secretary-General of the United Nations on the day of its entry into force in accordance with Article 102 of the Charter and the regulations made thereunder by the General Assembly.

Article XIII

1. The present Agreement may be denounced by any contracting State after the expiration of a period of three years from the date on which it comes into force in respect of that particular State.

2. The denunciation of the Agreement by any contracting States shall be effected by a written notification addressed by that State to the Secretary-General of the United Nations who shall notify all the Members of the United Nations and all non-member States referred to in article XI of each notification and the date of the receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Secretary-General of the United Nations.

Article XIV

1. Any contracting State may declare, at the time of signature, acceptance, or accession, that in accepting the present Agreement it is not assuming any obligation in respect of all or any territories, for which such contracting State has international obligations. The present Agreement shall, in that case, not be applicable to the territories named in the declaration.

2. The contracting States in accepting the present Agreement do not assume responsibility in respect of any or all Non-Self-Governing Territories for which they are responsible but may notify the acceptance of the Agreement by any or all of such territories at the time of acceptance by such contracting States or at any time thereafter. The present Agreement shall, in such cases, apply to all the territories named in the notification ninety days after the receipt thereof by the Secretary-General of the United Nations.

3. Any contracting State may at any time after the expiration of the period of three years provided for in article XIII declare that it desires the present Agreement to cease to apply to all or any territories for which such contracting State has international obligations or to any or all Non-Self-Governing Territories for which it is responsible. The present Agreement shall, in that case, cease to apply to the territories named in the declaration six months after the receipt thereof by the Secretary-General of the United Nations.

4. The Secretary-General of the United Nations shall communicate to all the Members of the United Nations and to all non-member States referred to in article XI the declarations and notifications received in virtue of the present article, together with the dates of the receipt thereof.

Article XV

Nothing in this Agreement shall be deemed to prohibit the contracting States from entering into agreements or arrangements with the United Nations or any of its specialized agencies which would provide for facilities, exemptions, privileges or immunities with respect to material emanating from or sponsored by the United Nations or by any of its specialized agencies.

Article XVI

The original of the present Agreement shall be deposited in the archives of the United Nations and shall be opened for signature at Lake Success on 15 July 1949 where it shall remain open for signature until 31 December 1949. Certified copies of the present Agreement shall be furnished by the Secretary-General of the United Nations to each of the Members of the United Nations and to such other Governments as may be designated by agreement between the Economic and Social Council of the United Nations and the Executive Board of the United Nations Educational, Scientific and Cultural Organization.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having deposited their full powers found to be in due and proper form, sign the present Agreement in the English and French languages, each being equally authentic, on behalf of their respective Governments, on the dates appearing opposite their respective signatures.

For Afghanistan :
Pour l'Afghanistan :

Abdul Hamid Aziz
29 Décembre 1949

For Argentina :
Pour l'Argentine :

For Australia :
Pour l'Australie :

For Austria :
Pour l'Autriche :

For the Kingdom of Belgium :
Pour le Royaume de Belgique :

For Bolivia :
Pour la Bolivie :

For Brazil :
Pour le Brésil :

ad referendum
João Carlos MUNIZ
15 de Setembro de 1949

For the Union of Burma :
Pour l'Union birmane :

For the Byelorussian Soviet Socialist Republic :
Pour la République Socialiste Soviétique de Biélorussie :

For Canada :
Pour le Canada :

ad referendum

Andrew G.L. McNAUGHTON
17 December 1949

For Chile :
Pour le Chili :

For China :
Pour la Chine :

For Colombia :
Pour la Colombie :

For Costa Rica :
Pour Costa-Rica :

For Cuba :
Pour Cuba :

For Czechoslovakia :
Pour la Tchécoslovaquie :

For Denmark :
Pour le Danemark :

subject to ratification¹
William BORBERG
December 29th 1949

For the Dominican Republic :
Pour la République Dominicaine :

Max Henríquez UREÑA
August 5th, 1949

For Ecuador :
Pour l'Équateur :

Homero VITERI L.
December 29, 1949

For Egypt :
Pour l'Égypte :

For El Salvador :
Pour le Salvador :

Héctor David CASTRO
December 29, 1949

Traduction du Secrétariat de l'Organisation des Nations Unies:

¹ Sous réserve de ratification.

For Ethiopia :
Pour l'Éthiopie :

For France :
Pour la France :

For Greece :
Pour la Grèce :

Alexis KYROU
December 31, 1949

For Guatemala :
Pour le Guatemala :

For Haïti :
Pour Haïti :

S. M. ALEXIS
2 Décembre 1949

For Honduras :
Pour le Honduras :

For Hungary :
Pour la Hongrie :

For Iceland :
Pour l'Islande :

For India :
Pour l'Inde :

For Iran :
Pour l'Iran :

Nasrollah ENTEZAM
December 31st 1949

For Iraq :
Pour l'Irak :

For Israel :
Pour Israël :

For Italy :
Pour l'Italie :

For Lebanon :
Pour le Liban :

Charles MALIK
December 30, 1949

For Liberia :
Pour le Libéria :

For the Grand Duchy of Luxembourg :
Pour le Grand-Duché de Luxembourg :

For Mexico :
Pour le Mexique :

For Monaco :
Pour Monaco :

For the Kingdom of the Netherlands :
Pour le Royaume des Pays-Bas :

¹Subject to the reservation² contained in the *procès-verbal* of signature drawn up prior to this signature.

H. RIEMENS
December 30, 1949

For New Zealand :
Pour la Nouvelle-Zélande :

For Nicaragua :
Pour le Nicaragua :

Traduction du Secrétariat de l'Organisation des Nations Unies:

¹ Sans préjudice de la réserve² contenue dans le procès-verbal de signature dressé antérieurement à la présente signature.

H. RIEMENS
30 décembre 1949.

² *This reservation is worded as follows:* " At the time of signing the present Agreement, the Plenipotentiary of the Netherlands Government deems it essential to state the following :

" *As regards Article III, paragraph I:* the words : ' and quantitative restrictions and from the necessity of applying for an import licence ' will be deleted, and excluded from the application of the Agreement ".

² *Cette réserve est conçue comme suit:* « Au moment de la signature du présent Accord, le plénipotentiaire du Gouvernement des Pays-Bas estime devoir déclarer que :

« *En ce qui concerne le paragraphe premier de l'article III,* les mots : « et de toutes restrictions quantitatives ... ainsi que de l'obligation d'introduire une demande de licence » seront supprimés et exclus de l'application de l'Accord ».

For the Kingdom of Norway :
Pour le Royaume de Norvège :

Arne SUNDE
December 20, 1949

For Pakistan :
Pour le Pakistan :

For Panama :
Pour le Panama :

For Paraguay :
Pour le Paraguay :

For Peru :
Pour le Pérou :

For the Philippines :
Pour les Philippines :

Subject to ratification¹
Carlos P. RÓMULO
December 31, 1949

Traduction du Secrétariat de l'Organisation des Nations Unies:

¹ Sous réserve de ratification.

For Poland :
Pour la Pologne :

For Saudi Arabia :
Pour l'Arabie Saoudite :

For Sweden :
Pour la Suède :

For Switzerland :
Pour la Suisse :

For Syria :
Pour la Syrie :

For Thailand :
Pour la Thaïlande :

For Turkey :
Pour la Turquie :

For the Ukrainian Soviet Socialist Republic :
Pour la République Socialiste Soviétique d'Ukraine :

For the Union of South Africa :
Pour l'Union Sud-Africaine :

For the Union of Soviet Socialist Republics :
Pour l'Union des Républiques Socialistes Soviétiques :

For the United Kingdom of Great Britain and Northern Ireland :
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

For the United States of America :
Pour les États-Unis d'Amérique :

September 13, 1949
Warren R. AUSTIN

For Uruguay :
Pour l'Uruguay :

E. Rodríguez FABREGAT
31 December 1949

For Venezuela :
Pour le Venezuela :

For Yemen :
Pour le Yémen :

For Yugoslavia :
Pour la Yougoslavie :

PROTOCOL OF SIGNATURE

At the moment of signing the Agreement to Facilitate the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character, the undersigned plenipotentiaries have agreed as follows :

1. The Secretary-General of the United Nations shall attach to the original text of the Agreement the model forms of certificates¹ referred to in article IV which are being submitted for approval to the States members of the United Nations Educational, Scientific and Cultural Organization, as soon as they are transmitted to him for that purpose by the Director-General of this Organization. The Secretary-General shall then draw up a *procès-verbal* to that effect and shall communicate to the Governments of the States concerned a copy of the *procès-verbal* and of the model forms of certificates transmitted to him.

2. Pending the conclusion of the agreement referred to in article XVI, the Secretary-General shall transmit certified true copies of the Agreement to the non-member States designated by the Executive Board of the United Nations Educational, Scientific and Cultural Organization.

IN FAITH WHEREOF the plenipotentiaries have signed the present Protocol in the English and French languages, each being equally authentic, on the dates appearing opposite their respective signatures.

[Here follow the same signatures as for the Agreement, see pp. 18 to 27, with the exception that the Netherlands signed the Protocol without reservation.]

¹ See p. 34 of this volume.

PROCÈS-VERBAL OF DEPOSIT OF THE MODEL FORM OF CERTIFICATE PROVIDED FOR IN ARTICLE IV OF THE AGREEMENT FOR FACILITATING THE INTERNATIONAL CIRCULATION OF VISUAL AND AUDITORY MATERIALS OF AN EDUCATIONAL, SCIENTIFIC AND CULTURAL CHARACTER. DONE AT LAKE SUCCESS, NEW YORK, ON 5 SEPTEMBER 1950

Considering that Article IV, paragraphs 1 and 2 of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character provides that :

“1. To obtain the exemption, provided under the present Agreement for material for which admission into the territory of a contracting State is sought, a certificate that such material is of an educational, scientific or cultural character within the meaning of article I, shall be filed in connexion with the entry.

“2. The certificate shall be issued by the appropriate governmental agency of the State wherein the material to which the certificate relates originated, or by the United Nations Educational, Scientific and Cultural Organization as provided for in paragraph 3 of this article, and in the forms annexed hereto. The prescribed forms of certificate may be amended or revised upon mutual agreement of the contracting States, provided such amendment or revision is in conformity with the provisions of this Agreement.”;

Considering that the Protocol of Signature annexed to the Agreement states in its first paragraph :

“1. The Secretary-General of the United Nations shall attach to the original text of the Agreement the model forms of certificates referred to in article IV which are being submitted for approval to the States members of the United Nations Educational, Scientific and Cultural Organization, as soon as they are transmitted to him for that purpose by the Director-General of this Organization. The Secretary-General shall then draw up a procès-verbal to that effect and shall communicate to the Government of the States concerned a copy of the procès-verbal and of the model forms of certificates transmitted to him”;

Considering that the Director-General ad interim of the United Nations Educational, Scientific and Cultural Organization on 4 August 1950 transmitted to the Secretary-General of the United Nations a certified true copy in English and a certified true copy in French of the model form of the certificate;

Now therefore, I, Ivan Kerno, Assistant Secretary-General, Legal Department, have signed, in the name of the Secretary-General, this Procès-Verbal

of deposit in English and French. This Procès-Verbal shall be attached to the authentic text of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character.

DONE at Lake Success, N.Y, this 5th day of September 1950.

Dr. Ivan KERNO
Assistant Secretary-General
Legal Department

See instructions on reverse

ISSUING GOVERNMENT :

CERTIFICATE NO.

CERTIFICATE

Issued in accordance with Article IV of the

AGREEMENT TO FACILITATE THE INTERNATIONAL CIRCULATION OF AUDITORY
AND VISUAL MATERIALS OF AN EDUCATIONAL SCIENTIFIC AND CULTURAL CHARACTER

ISSUED TO :

FULL POSTAL ADDRESS :

1. Type of Material :

2. Title :

3. Language(s) :

4. Dimensions :

5. Physical Description :

6. Weight :

7. Year of Production :

8. Producer or Producing Company (Name and Address) :

9. Subject Matter or Contents :

*The Government of _____ certifies that the material described above
is of an educational, scientific or cultural character within the terms of Article I of the
Agreement cited above.*

Governmental Agency Official Stamp

ISSUED AT :

DATE:



 Certifying Officer

INSTRUCTIONS

ISSUED TO : *The name shall be that of the person or organization owning the right to reproduce the material.*

1. *Type of material*: i.e. film, filmstrip, microfilm, glass slides, models, wall charts, maps, posters or recordings.
2. *Title*: for films : in the case of unedited material give working title followed by (WT); in the case of retitled material give both original and new title.
3. *Language(s)*: for films : in the case of subtitled film give language of both printed and spoken matter.
4. *Dimensions*:
 - a) for films : number of reels; running time; length in feet or meters; 8 mm, 9.5 mm, 16 mm or 35 mm
 - b) for filmstrips : length in feet or meters; single or double frame; number of frames.
 - c) for microfilms : single or double frame; number of pages or frames reproduced
 - d) for glass slides : number of slides; 2" × 2" (50 × 50 mm), 3 1/4" × 3 1/4" (83 × 83 mm) or 3 1/4" × 4" (83 × 100 mm)
 - e) for models : number and dimensions
 - f) for wall charts, maps and posters; number and dimensions
 - g) for recordings : diameter or linear length; revolutions per minute (rpm) or feet or meters per minute, playing speed; running time.
5. *Physical Description*:
 - a) for films : positive or negative, black and white or colour, silent or sound
 - b) for filmstrips : positive or negative, black and white or colour, silent or sound accompaniment
 - c) for glass slides : positive or negative, black and white or colour
 - d) for models : static or moving
 - e) for wall charts, maps and posters : black and white or colour; to be used in their actual form or as masters to make further copies
 - f) for recordings : disc, wire or tape; to be used in their actual form or as masters to make further copies.

The Director-General of the United Nations Educational, Scientific and Cultural Organization certifies this to be a true copy of the prescribed form of the certificate as approved by the governments of Member States of Unesco.

Jean THOMAS
Acting Director-General