

No. 2829

**WORLD HEALTH ORGANIZATION
and
FRANCE**

Agreement (with exchange of letters dated 4 and 13 August 1952) for the purpose of determining the privileges, immunities and facilities to be granted by the Government to the Organization in respect of the representatives of its members, its experts and officials in the French territories, or territories administered by France, included in the African Region as defined by the First World Health Assembly. Signed at Paris and Geneva, on 23 July and 1 August 1952

Official text: French.

Registered by the World Health Organization on 2 May 1955.

**ORGANISATION MONDIALE DE LA SANTÉ
et
FRANCE**

Accord (avec échange de lettres des 4 et 13 août 1952) pour déterminer les privilèges, immunités et facilités accordés par le Gouvernement à l'Organisation, aux représentants de ses membres, à ses experts et à ses fonctionnaires, dans les territoires français ou administrés par la France compris dans la région d'Afrique, telle qu'elle a été délimitée par la première Assemblée mondiale de la santé. Signé à Paris et à Genève, les 23 juillet et 1^{er} août 1952

Texte officiel français.

Enregistré par l'Organisation mondiale de la Santé le 2 mai 1955.

[TRANSLATION¹ — TRADUCTION²]

No. 2829. AGREEMENT³ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE WORLD HEALTH ORGANIZATION FOR THE PURPOSE OF DETERMINING THE PRIVILEGES, IMMUNITIES AND FACILITIES TO BE GRANTED BY THE GOVERNMENT TO THE ORGANIZATION IN RESPECT OF THE REPRESENTATIVES OF ITS MEMBERS, ITS EXPERTS AND OFFICIALS IN THE FRENCH TERRITORIES, OR TERRITORIES ADMINISTERED BY FRANCE, INCLUDED IN THE AFRICAN REGION AS DEFINED BY THE FIRST WORLD HEALTH ASSEMBLY. SIGNED AT PARIS AND GENEVA, ON 23 JULY AND 1 AUGUST 1952

The Government of the French Republic (hereinafter called “the Government”) of the one part, and

The World Health Organization (hereinafter called “the Organization”) of the other part,

Desiring to conclude an Agreement for the purpose of determining the privileges, immunities and facilities to be granted by the Government to the Organization in respect of the representatives of its Members, its experts and officials in the French territories, or territories administered by France, included in the African Region as defined by the First World Health Assembly, and

Desiring to regulate other related matters,

Have agreed as follows :

Article I

DEFINITIONS

Section I

For the purposes of the present Agreement :

- (a) the word “territories” shall be deemed to mean the French territories or territories administered by France included in the African Region as defined by the First World Health Assembly;

¹ Translation communicated by the World Health Organization.

² Traduction transmise par l'Organisation mondiale de la santé.

³ Came into force on 20 May 1953, in accordance with Section 34 of article XIII, the Agreement having been adopted by the World Health Assembly on that date.

- (b) for the purposes of article IV, the words “property and assets”, “funds, currency or specie”, or “assets, income and other property” shall be deemed to include property, assets, and funds administered by the Organization under article 57 of its Constitution¹ and/or in furtherance of its constitutional functions;
- (c) the word “Member” shall be deemed to include Member States and Associate Members of the Organization forming part of the Regional Committee for Africa, as well as the territories or groups of territories which, without being Associate Members, are represented and participating in the said committee in accordance with article 47 of the Organization’s Constitution;
- (d) the words “representatives of Members” shall be deemed to include all delegates, alternates, consultants, technical experts and secretaries of the delegations of Member States of the Regional Committee for Africa, as well as members of the Executive Board of the Organization;
- (e) the words “regional organs” of the Organization shall be deemed to include the Regional Committee for Africa, its Regional Office at Brazzaville, and any of the sub-divisions of these organs;
- (f) for the purposes of Sections 4, 6, 16, 17 and 19, the words “freedom of meeting” or “meeting of the Organization” shall be deemed to include all meetings of the regional organs of the Organisation as well as all conferences or meetings convened by or under the authority or auspices of the Organization in the territories covered by the present agreement;
- (g) the word “communications” shall be deemed to include all postal, telegraphic and telephonic correspondence of the Organization.

Article II

JURIDICAL PERSONALITY

Section 2

The Organization shall enjoy juridical personality and legal capacity and, in particular, the capacity :

- (a) to contract agreements;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

¹ United Nations, *Treaty Series*, Vol. 14, p. 185; Vol. 15, p. 447; Vol. 16, p. 364; Vol. 18, p. 385; Vol. 23, p. 312; Vol. 24, p. 320; Vol. 26, p. 413; Vol. 27, p. 402; Vol. 29, p. 412; Vol. 31, p. 480; Vol. 44, p. 339; Vol. 45, p. 326; Vol. 53, p. 418; Vol. 54, p. 385; Vol. 81, p. 319; Vol. 88, p. 427; Vol. 131, p. 309; Vol. 173, p. 371, and Vol. 180, p. 298.

Article III

FREEDOM OF ACTION AND OF MEETING

Section 3

The Government shall guarantee to the Organization in the above-mentioned territories the independence and freedom of action to which it is entitled as an international organization.

Section 4

The Organization and its regional organs, as well as its Members and the representatives of Members in their relations with the Organization, shall enjoy in the territories concerned absolute freedom of meeting, including freedom of discussion and decision, within the framework of the normal functions of the organization.

Article IV

PROPERTY, FUNDS AND ASSETS

Section 5

The Organization and its property and assets located in the territories concerned shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity may be expressly waived by the Director-General of the Organization, or by the Regional Director acting as his duly authorized representative. It shall, however, be understood that no waiver of immunity shall extend to a measure of execution.

Section 6

(1) The premises of the Organization in any of the territories concerned, as well as any premises in the territories which may be occupied by the Organization for one of its meetings, shall be inviolable.

(2) Such premises, as well as the property and assets of the Organization in the territories, shall enjoy immunity from search, confiscation, expropriation or any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 7

The archives of the Organization and, in general, all documents belonging to or held by the Organization in the territories shall be inviolable.

Section 8

(1) Without being restricted by financial controls, regulations or moratoria of any kind, the Organization shall be :

(a) entitled to hold funds, currency of specie of any kind and to operate accounts in any currency;

- (b) free to transfer its funds, currency or specie to or from the territories or within the territories and convert any currency held by it into any other currency.

(2) The present Section shall also apply to Members in their relations with the Organization.

Section 9

The Government shall provide for the Organization its national currency to the amount required to meet the expenditure of the Organization in the territories covered by the present Agreement, at the most favourable local official rate.

Section 10

In exercising its rights under Sections 5, 6, 7, 8 and 9, the Organization shall pay due regard to any representations made to it by the Government in so far as the Organization considers that effect may be given to such representations without detriment to its interests.

Section 11

The Organization, its assets, income and other property shall be :

- (a) exempt from all direct and indirect taxes. It is, nevertheless, to be understood that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of medical supplies, and any other articles or goods imported or exported by the Organization for its official use. It is, nevertheless, to be understood that such medical supplies, articles or goods imported under such exemption may not be sold or ceded within the territories except under conditions approved by the Government;
- (c) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of the Organization's publications.

Section 12

While the Organization will not, as a general rule, in the case of minor purchases, claim exemption from excise duties and taxes on the sale of movable and immovable property when such duties and taxes form part of the sale price, nevertheless, in the case of important purchases by the Organization, for its official use, of property on which such duties and taxes have been charged or are chargeable, the Government shall make appropriate administrative arrangements for the remission or reimbursement of the amount of the said duty or tax

Article V

FACILITIES IN RESPECT OF COMMUNICATION

Section 13

The Organization shall enjoy, in respect of its official communications, in the territories in question, treatment not less favourable than that accorded by the Government to any other government or to the diplomatic mission of any other government in the matter of priorities, rates and taxes on mail, cables, telegrams, radiograms, telephotos, telephone and other communications, and Press rates for information intended for the Press and radio, on the condition that such treatment is not incompatible with the terms of the International Telecommunication Convention.¹

Section 14

(1) No censorship shall be applied to the official communications of the Organization.

(2) The Organization shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article VI

REPRESENTATIVES OF MEMBERS

Section 15

Representatives of Members of the Organization shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities :

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, as well as immunity from legal process of any kind in respect of acts performed by them in the exercise of their functions and in their official capacity, including words spoken or written by them;
- (b) inviolability of all papers and documents;
- (c) the right to use codes and to dispatch or to receive documents or correspondence by courier or in sealed bags;
- (d) exemption for themselves and their spouses from immigration restrictions, and from aliens' registration formalities and national service obligations in the territories concerned;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

¹ United Nations, *Treaty Series*, Vol. 193, p. 188, and Vols. 194 and 195.

- (f) the same immunities and facilities in respect of their personal luggage as are accorded to members of diplomatic missions of comparable rank.

Section 16

In order to secure for representatives of Members of the Organization at the Organization's meetings complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts performed by them in the discharge of their duties shall continue to be accorded to them notwithstanding that the persons concerned may no longer be engaged in the discharge of such duties.

Section 17

If the incidence of any form of taxation depends upon residence in one of the territories concerned, the periods during which representatives of Members of the Organization are present, in the discharge of their duties, at a meeting of the Organization in one of the above-mentioned territories shall not be considered as periods of residence in the said territories.

Section 18

Privileges and immunities are not accorded to representatives of Members of the Organization for their personal benefit but in order to enable them, in perfect freedom, to exercise their functions in connexion with the Organization. Consequently, a Member shall not only have the right but it shall be considered a Member's duty to waive the immunity of its representatives in any case where, in the opinion of the Member, such immunity would impede the course of justice, and where it could be waived without prejudice to the purposes for which the immunity is accorded. This same duty shall also be incumbent upon the Executive Board of the Organization in any case of the same nature in which one of the persons designated to serve on the said Board is concerned.

Section 19

In so far as possible, the Organization shall communicate to the Government sufficiently in advance a list of representatives convened to its conferences or meetings in the territories concerned under this Agreement.

Article VII

EXPERTS ON MISSIONS FOR THE ORGANIZATION

Section 20

Experts and consultants carrying out missions for the Organization, other than experts and consultants covered by Section 1 (d) or those to whom, in

their capacity as officials, the provisions of articles VI and VIII respectively apply, shall enjoy such privileges and immunities as are necessary for the free exercise of their functions during the period of the mission, including the time spent on journeys in connexion with such mission. In particular, they shall be accorded :

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, and immunity from legal process of any kind in respect of words spoken or written and acts performed by them in the discharge of their duties. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned may no longer be employed on a mission for the Organization;
- (b) inviolability of all papers and documents;
- (c) the right, for the purpose of their communications with the Organization, to use codes and to despatch or to receive documents and correspondence by courier and in sealed bags;
- (d) exemption, for themselves and their spouses, from immigration restrictions aliens' registration formalities and national service obligations in the territories concerned;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) the same immunity and facilities in respect of their personal baggage as are accorded to Members' representatives.

Section 21

Privileges and immunities are granted to experts in the interest of the Organization and not for their personal benefit. The Director-General shall have the right, and it shall be his duty, to waive the immunity of any expert in any case where, in his opinion, such immunity would impede the course of justice and where it could be waived without prejudice to the interests of the Organization.

Article VIII

OFFICIALS

Section 22

The Director-General, or the Regional Director acting as his duly authorized representative, shall determine, in consultation with the Government :

- (a) the various categories of officials benefiting under the provisions of Section 23 and article IX;
- (b) the extent to which these immunities, privileges and facilities shall be applicable to each of the said categories.

Furthermore, the Regional Director shall from time to time send to the Government an up-to-date list of the names of the above-mentioned officials, mentioning the categories to which they belong.

Section 23

Officials of the Organization shall enjoy :

- (a) immunity from legal process in respect of words spoken or written and acts performed by them in their official capacity and within the limits of their functions;
- (b) exemption from taxation in respect of salaries and emoluments paid to them by the Organization;
- (c) immunity, for themselves, their spouses and members of their families dependent upon them, from immigration restrictions and aliens' registration formalities;
- (d) the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions in France;
- (e) the same facilities for repatriation in case of international crisis for themselves, their spouses and members of their families dependent upon them, as are accorded to diplomatic mission officials of comparable rank;
- (f) the right to import free of duty their furniture and personal effects within six months of definitely taking up their posts, as well as certain products intended for personal consumption (food products, drinks, etc.), in accordance with a list to be approved by the Government;
- (g) the right to import a motor-car once every three years free of duty, it being understood that duty will become payable in the event of the sale or disposal of the said motor-car to a third person not entitled to this exemption within three years of its importation.

Section 24

In addition to the immunities and privileges specified under Section 23, the Director-General, the Deputy Director-General, the Assistant Directors-General and the Regional Director shall enjoy, for themselves, their spouses and minor children, those privileges and immunities, exemptions and facilities accorded to representatives of Members.

Section 25

Privileges and immunities shall be granted to officials in the interest of the Organization and not for their personal benefit. The Director-General shall have the right, and it shall be his duty, to waive the immunity of any official in any case where, in his opinion, such immunity would impede the course of justice and where it could be waived without prejudice to the interests of the Organization.

Section 26

The Organization shall take all the necessary measures to facilitate the proper administration of justice and the observance of the law and regulations of all kinds and to prevent any abuse of the privileges, immunities and facilities accorded to the Organization.

*Article IX*VISAS, RESIDENCE PERMITS, UNITED NATIONS *Laissez-passer**Section 27*

(1) The Government shall take all necessary measures to facilitate the entry into, residence in, and departure from the territories of all persons called upon to act in an official capacity for the Organization, i.e. :

- (a) representatives of Members;
- (b) experts and consultants on missions for the Organization, irrespective of nationality;
- (c) officials of the Organization;
- (d) all other persons, irrespective of nationality, invited by the Organization.

(2) Police regulations intended to restrict the entry of foreigners into the territories or to regulate the conditions of their residence shall not apply to persons covered by the present section.

(3) With the reservation of the preceding provisions, the French authorities shall retain their right to decide upon and to control the entry of persons into French territory and the conditions under which such persons may be allowed to remain or to reside in such territory.

(4) Furthermore, the persons as mentioned in paragraph (1) shall not be exempt from observance of the regulations with regard to quarantine and public health.

(5) The Government shall address, in advance, to its embassies, legations and consulates abroad, general instructions to grant visas with as little delay as possible to any applicant on presentation of a valid identity and travel document and of a document establishing his status as a representative of a Member, expert, consultant or official of the Organization, and that without requiring the personal attendance of the applicant or the payment of any charges.

(6) The provisions of the present Section shall apply to the spouse and to the children of the person concerned if these are living with him and do not exercise any independent profession or calling.

Section 28

The Government shall recognize and accept as a valid travel document the United Nations laissez-passer issued to officials of the Organization in accordance with administrative arrangements concluded between the Director-General of the Organization and the Secretary-General of the United Nations.

Section 29

The Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Directors and the Directors of the Organization travelling on its official business shall enjoy the same facilities as are accorded to representatives of Members.

Article X

PREMISES AND ACCOMMODATION

Section 30

(1) The Government shall give to the Organization and to its personnel all the assistance required in order to procure for them, on the most favourable conditions, the necessary premises and accommodation and to facilitate their installation in the said premises and accommodation.

(2) The Government shall exercise the police surveillance necessary for the protection of the Organization's premises and for the maintenance of order in the immediate neighbourhood of such premises. At the request of the Regional Director, the Government shall send whatever police force may be necessary for the maintenance of order within such premises.

Article XI

SECURITY OF THE GOVERNMENT

Section 31

(1) Nothing in the present Agreement shall be construed to preclude the adoption by the Government of all appropriate precautions in the interests of the security of the French Union and of the maintenance of public order.

(2) In cases where the Government may consider it necessary to apply the provisions of paragraph (1) of the present section, the Government shall approach the Organization as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary for the protection of the Organization's interests.

Article XII

SETTLEMENT OF DISPUTES

Section 32

The Organization shall decide upon and make provision for appropriate modes of settlement of :

(a) disputes arising out of contracts or other disputes of a private character to which the Organization is a party;

(b) disputes involving an official of the Organization who, by reason of his official position, enjoys immunity, if such immunity has not been waived by the Director-General in accordance with the provisions of Section 25.

Section 33

Any difference between the Organization and the Government arising out of the interpretation or the application of the present Agreement, or of any supplementary agreement or arrangement, and which is not settled by negotiation, shall be submitted for decision to a Board of three arbitrators. The first of these arbitrators shall be appointed by the Government, the second by the Director-General of the Organization and the third, who shall be the presiding arbitrator, by the President of the International Court of Justice, unless in any specific case the parties to the present Agreement agree to resort to a different mode of settlement.

Article XIII

FINAL PROVISIONS

Section 34

The present Agreement shall enter into force as soon as it has been signed by the Government and adopted by the World Health Assembly.

Section 35

On the coming-into-force of the present Agreement, its text shall be communicated by the Director-General of the Organization to the Secretary-General of the United Nations for registration, in pursuance of article 1 of the Regulations adopted by the United Nations General Assembly on 14 December 1946¹ to give effect to Article 102 of the Charter of the United Nations.

Section 36

The present Agreement may be revised at the request of either party. In this event, the two parties shall consult together concerning the modifications to be introduced into the present Agreement; if negotiations do not lead to agreement within one year, the present Agreement may be denounced by either party at one year's notice. Notice of denunciation of the present Agreement may be given to the Government through its representative to the Organization and to the Organization through its Director-General.

IN FAITH WHEREOF the present Agreement was done and signed at Paris on the 1st day of August 1952 and at Geneva on the 23rd day of July 1952, in two copies in French, one copy being handed to the Government's representative and the other to the Director-General of the World Health Organization.

For the World Health Organization :

(Signed) Brock CHISHOLM
Director-General

For the Government :

(Signed) Maurice SCHUMANN

¹ United Nations, *Treaty Series*, Vol. 76, p. XVIII.

EXCHANGE OF LETTERS

I

Letter from the French Government to the World Health Organization, dated 4 August 1952, regarding the interpretation and application of the Agreement

Sir,

With reference to the conclusion between the Government of the French Republic and the World Health Organization of an Agreement for the purpose of defining the privileges, immunities and facilities to be accorded to the said Organization in the French territories, or territories administered by France, in the African Region, I have the honour to communicate to you the following details :

- (a) Sections 6 and 7 grant certain immunities in respect of the Organization's premises. These provisions refer exclusively to the administrative premises occupied by the Organization.
In the event of there being proof of, or serious reasons to suspect, the presence on such premises of either persons wanted for crimes or offences under common law or for offences against the security of the State, or illegally introduced documents or objects, the Regional Director, acting as your representative, shall consult with the governmental authorities for the purpose of waiving the immunity.
- (b) The provisions of paragraph (b) of Section 23 shall be understood with the reservation that a State may tax its own nationals unless Member States adopt a system whereby the salaries and emoluments in question are taxed by the Organization itself.
- (c) The Government regrets its inability to exempt international officials who are nationals of the French Union from the military obligations by which all French subjects, without distinction, are bound. The Government will, nevertheless, examine particular cases with every possible indulgence, bearing in mind the international responsibilities of the Organization's officials.

I have the honour, etc.

(Signed) Maurice SCHUMANN
Secretary of State for Foreign Affairs

II

Reply of the World Health Organization, dated 13 August 1952, to the letter of the French Government regarding the interpretation and application of the Agreement

Sir,

Pursuant to the conclusion between the Government of the French Republic and the World Health Organization of an Agreement for the purpose of defining the privileges, immunities and facilities to be accorded to the said Organization in the French territories, or territories administered by France, in the African Region, and replying to your letter dated 4 August 1952 (reference 565 SC), I have the honour to communicate to you the following :

- (a) I agree with you that the provisions of Sections 6 and 7 apply exclusively to the administrative premises occupied by the Organization and that the Regional Director shall consult with the governmental authorities for the purpose of waiving the immunities in question in the event of their being proof of, or serious reasons to suspect, the presence on such premises of either persons wanted for crimes or offences under common law or for offences against the security of the State, or illegally introduced documents or objects.
- (b) I note your declaration that the provisions of paragraph (b) of Section 23 shall be understood with the reservation that a State may tax its own nationals unless Member States adopt a system whereby the salaries and emoluments in question are taxed by the Organization itself.
- (c) I note the assurance given that the French Government, in view of its inability to exempt international officials who are nationals of the French Union from the military obligations by which all French subjects, without distinction, are bound, will examine particular cases with every possible indulgence, bearing in mind the international responsibilities of the Organization's officials.

I have the honour, etc.

For Brock Chisholm, M.D.,
Director-General :
(Signed) Dr. P. DOROLLE

III

Letter from the French Government, dated 4 August 1952, transmitting the signed Agreement to the World Health Organization

Sir,

In sending you herewith, duly signed by me, the Agreement between the Government of the French Republic and the World Health Organization, I

have the honour to inform you that, without waiting for the approval of the World Health Assembly, the French Government, for its part, is ready to apply the provisions of the Agreement, particularly in view of the installation of the Regional Office for Africa at Brazzaville.

With reference to the reservation made in the note on the interpretation of the said Agreement, on the subject of exemption of French nationals from taxation, I would inform you that the competent authorities will without delay submit the requests for exemption received by them to the responsible Assemblies of the territories concerned which alone are entitled to make decisions on this matter. I have no doubt that these requests will be examined in a spirit of indulgence.

I have the honour, etc.

For the Minister and by authorization :

(Signed) V. BROUSTRA

Minister Potentiary

Director of the Conference Secretariat

IV

Reply of the World Health Organization, dated 13 August 1952, to the letter of the French Government transmitting the signed Agreement

Sir,

I have the honour to acknowledge the receipt of your letter dated 4 August 1952 (reference 564 SC) transmitting the Agreement between the Government of the French Republic and the World Health Organization for the purpose of determining the juridical status in the African Region of this Organization and of the persons attached to it; I thank you for it and am pleased to note that the French Government is ready to apply the provisions of the Agreement without waiting for the approval of the said Agreement by the World Health Assembly.

I note also with satisfaction the assurance you give, concerning the reservation made in the note on the interpretation of the above-mentioned Agreement on the subject of exemption of French nationals, that the competent authorities will without delay submit the requests for exemption received by them to the responsible Assemblies of the territories concerned which alone are entitled to make decisions on this matter.

I have the honour, etc.

For Brock Chisholm, M.D., Director-General :

(Signed) Dr. P. DOROLLE