

No. 5103

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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC  
AND CULTURAL ORGANIZATION  
and  
FRANCE**

**Agreement (with annexes) regarding the Headquarters of  
UNESCO and the privileges and immunities of the  
Organization on French Territory. Signed in Paris,  
on 2 July 1954** *at*

*Official texts: English and French.*

*Registered by the United Nations Educational, Scientific and Cultural Organiza-  
tion on 26 April 1960.*

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**ORGANISATION DES NATIONS UNIES  
POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE  
et  
FRANCE**

**Accord (avec annexes) relatif au siège de l'UNESCO et à  
ses privilèges et immunités sur le territoire français.  
Signé à Paris, le 2 juillet 1954**

*Textes officiels anglais et français.*

*Enregistré par l'Organisation des Nations Unies pour l'éducation, la science et la  
culture le 26 avril 1960.*

No. 5103. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION REGARDING THE HEADQUARTERS OF UNESCO AND THE PRIVILEGES AND IMMUNITIES OF THE ORGANIZATION ON FRENCH TERRITORY. SIGNED IN PARIS, ON 2 JULY 1954

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The Government of the French Republic and the United Nations Educational, Scientific and Cultural Organization,

*Considering* that by Resolution 28 adopted at its sixth session, the General Conference of the United Nations Educational, Scientific and Cultural Organization decided to build the permanent headquarters of the Organization at Paris;

*Considering* further that the Government of the French Republic has for this purpose by contract dated the 25 June 1954 granted to the United Nations Educational, Scientific and Cultural Organization the use of such land as is necessary for the establishment of its permanent headquarters and the construction of its buildings; and

*Desiring* to regulate, by this Agreement, all questions relating to the establishment of the permanent headquarters of the United Nations Educational, Scientific and Cultural Organization in Paris and consequently to define its privileges and immunities in France;

*Have appointed* as their representatives for this purpose the following, that is to say :

For the United Nations Educational, Scientific and Cultural Organization (hereinafter called ' the Organization '), Mr. Luther H. Evans, Director-General;

For the Government of the French Republic, Monsieur Guérin de Beaumont, State Secretary for Foreign Affairs,

who have agreed as follows :

#### LEGAL PERSONALITY OF THE ORGANIZATION

##### *Article 1*

The Government of the French Republic recognizes the legal personality of the Organization and its capacity :

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<sup>1</sup> Came into force on 23 November 1955, on the exchange of the instrument of ratification by the Government of the French Republic and the notification of approval by the Organization, in accordance with article 32.

- (a) to contract;
- (b) to acquire and dispose of movable and immovable property;
- (c) to be party to judicial proceedings.

#### THE PERMANENT HEADQUARTERS OF THE ORGANIZATION

##### *Article 2*

The permanent headquarters of the Organization (hereinafter called 'headquarters') shall comprise the land described and defined in Annex A<sup>1</sup> of this Agreement, and all the buildings that are or may be in future built thereon.

##### *Article 3*

The Government of the French Republic agrees to take all necessary measures to ensure that the Organization shall have full and uninterrupted use of the land and buildings which constitute its headquarters.

##### *Article 4*

1. The Government of the French Republic grants to the Organization the right of free radio communication on French territory in the manner defined in Annex III of the International Telecommunication Convention made at Buenos Aires in 1952, for broadcasting its programmes and for participation in the radio network to be established between the United Nations and its Specialized Agencies.

2. Special agreements to be negotiated between the Organization and the appropriate French authorities, and, if necessary, between the Organization and international institutions concerned, will set out the terms upon which the aforesaid broadcasts and radio communications are to be made.

##### *Article 5*

1. The headquarters shall be under the control and authority of the Organization.

2. The Organization shall have the right to make internal regulations applicable throughout headquarters in order to enable it to carry out its work.

3. Subject to the provisions of the preceding paragraph, the laws and regulations of the French Republic shall apply at headquarters.

##### *Article 6*

1. Headquarters shall be inviolable. Agents and officials of the French Republic shall not enter headquarters to discharge any official duty save with the

<sup>1</sup> See p. 26 of this volume.

consent or at the request of the Director-General and in accordance with conditions approved by him.

2. The execution of legal process, including the seizure of private property may take place in headquarters only with the consent of and under conditions approved by the Director-General.

3. Without prejudice to the terms of this Agreement, the Organization shall not permit its headquarters to become a refuge from justice for persons against whom a penal judgment has been made or who are pursued *flagrante delicto*, or against whom a warrant of arrest or a deportation order has been issued by the competent French authorities.

#### Article 7

1. The Government of the French Republic undertakes to protect headquarters and to maintain order in its immediate vicinity.

2. At the request of the Director-General and in accordance with his instructions, the French authorities shall make available whatever police force may be necessary to maintain order within headquarters.

#### Article 8

1. The appropriate French authorities shall endeavour, within the limits of their powers, on equitable terms, and in accordance with requests made by the Director-General of the Organization, to provide public services such as postal, telephone and telegraph service, electricity, water and gas supplies, public transport, drainage, collection of refuse, fire protection and snow removal.

2. Subject to the provisions of Article 10, the Organization shall be granted, in respect of tariffs charged for public services supplied by the French Government or public bodies under its control, such reductions as are granted to French administrative services.

3. In case of *force majeure* involving a partial or total suspension of public services, the Organization shall receive, for its requirements, priority equal to that received by the French administrative services.

#### ACCESS TO HEADQUARTERS

#### Article 9

1. The competent French authorities shall not impede the transit to or from headquarters of any persons having official duty at headquarters or invited there by the Organization.

2. For this purpose the French Government undertakes to authorize the entry into France without delay and without charge for visas, of the following persons for the term of their duty or mission with the Organization :

- (a) representatives of Member States, including alternates, advisers, experts and secretaries at sessions of the various organs of the Organization or at conferences and meetings called by it;
- (b) members of the Executive Board of the Organization, alternates, advisers and experts;
- (c) permanent delegates of Member States accredited to the Organization, deputies, advisers and experts;
- (d) officials and experts of the Organization and of the United Nations and the Specialized Agencies;
- (e) members of the governing bodies and officials of non-governmental organizations having consultative status, the offices of which are at headquarters;
- (f) the families—spouses and dependent children—of the above-mentioned persons;
- (g) all those invited on official business by the General Conference, the Executive Board or the Director-General of the Organization;
- (h) representatives of non-governmental organizations having consultative status, representatives of the press, radio, cinema and of other information agencies who are accredited to the Organization, after consultation with the French Government and provided that the persons concerned have not been previously prohibited from entering French territory.

3. Without prejudice to any special immunities which they may enjoy, the persons mentioned in paragraph 2 may not, during the whole period in which they are performing their duties or missions, be compelled by the French authorities to leave French territory, save where they have abused the privileges accorded to them in respect of their visits by carrying out activities unconnected with their duties or missions with the Organization and subject to the following provisions.

4. No measures for the expulsion from French territory of the persons mentioned in paragraph 2 may be taken without the approval of the Minister of Foreign Affairs of the Government of the French Republic. Before giving his approval, the Minister of Foreign Affairs shall consult the authorities mentioned hereafter.

5. The authorities mentioned in the preceding paragraph are :

- (a) in any case concerning the representative of a Member State or his family—the Government of the Member State concerned;
- (b) in any case concerning a member of the Executive Board or his family—the Chairman of the Executive Board;
- (c) in the case of any other persons—the Director-General of the Organization.

6. Persons who enjoy diplomatic privileges and immunities by virtue of this Agreement may not be required to leave French territory save in accordance with the procedure customarily applicable to diplomats accredited to the Government of the French Republic.

7. It is understood that the persons referred to in paragraph 2 are not exempt from any reasonable application of the rules governing quarantine and public health.

#### ARRANGEMENTS FOR COMMUNICATION

##### *Article 10*

1. Without prejudice to the provisions of Article 4 and in so far as is compatible with any international conventions, regulations and arrangements to which it is party, the Government of the French Republic shall grant to the Organization for communication by post, telephone, telegraph, radio-telephone, radio-telegraph and radio-photo-telegraph, terms at least as favourable as those granted by it to other governments, including diplomatic missions, as regards priorities, tariffs and taxes on mail, cablegrams, telegrams, radio-telegrams, photo-telegrams, telephone calls and other communications and also as regards charges payable for press and radio communications.

2. The Government of the French Republic shall grant full facilities to the Director-General of the Organization and his principal officials for press or radio statements.

##### *Article 11*

1. The official correspondence of the Organization shall be inviolable.

2. The official statements of the Organization shall not be subject to censorship. This immunity extends to publications, films, negatives, photographs, and visual and sound recordings addressed to or despatched by the Organization, and also material displayed at exhibitions which it may organize.

3. The Organization may make use of codes and may despatch and receive correspondence by courier or pouch. Courier and pouch services shall be accorded the same privileges and immunities as diplomatic couriers and pouches.

#### PROPERTY, FUNDS AND ASSETS

##### *Article 12*

The Organization, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except in so

far as in any particular case the Organization has expressly waived immunity or where a waiver is implied by contract. It is, however, understood that no waiver shall extend to any measure of execution.

#### *Article 13*

Should the Organization set up offices or occupy conference rooms outside headquarters but inside France, these premises shall be inviolable, in accordance with the conditions of Article 6.

#### *Article 14*

1. The property and assets of the Organization wherever located and by whomsoever held shall be immune from search, confiscation, requisition, expropriation or any other form of constraint, either executive, administrative or legislative.

2. The archives of the Organization and, in general, all documents belonging to or held by it shall be inviolable wherever they are located.

#### *Article 15*

1. The Organization, its assets, income and other property shall be exempt from all direct taxation. The Organization shall, however, pay taxes charged for services rendered.

2. The Organization shall be exempt :

- (a) from all duty and taxes, other than taxes for services rendered, collected by the customs authorities, and from all prohibitions and restrictions on imports and exports in respect of articles imported or exported by it for official use. It is understood, however, that articles imported free of duty may not be transferred to other parties on French territory, save on conditions to be agreed upon between the Organization and the competent French authorities;
- (b) from all duty and taxes, except taxes payable for services rendered, collected by the customs authorities, and from all prohibitions and restrictions on imports and exports in respect of publications, cinematograph films, photographic slides and documents which the Organization may import or publish in the course of its official activities.

#### *Article 16*

The Organization shall pay, under general laws and regulations, all indirect taxes which form part of the cost of goods sold and services rendered. Nevertheless, any such taxes levied in respect of purchases made or activities undertaken

officially by the Organization may be reimbursed by lump sums to be agreed between the Organization and the French Republic.

#### *Article 17*

1. The Organization may, without being subject to any financial controls, regulations or moratoria :

- (a) receive and hold funds and foreign exchange of all kinds and operate accounts in all currencies;
- (b) freely transfer its funds and foreign exchange within French territory and from France to another country and vice versa.

2. The competent French authorities shall grant all facilities and assistance to the Organization with a view to obtaining the most favourable conditions for all transfers and exchanges. Special arrangements to be made between the French Government and the Organization shall regulate, if necessary, the application of this Article.

3. In exercising its rights under this Article, the Organization shall take account of all representations made by the Government of the French Republic in so far as it considers that these can be complied with without prejudice to its own interests.

### DIPLOMATIC PRIVILEGES, IMMUNITIES AND FACILITIES

#### *Article 18*

1. Representatives of Member States of the Organization at sessions of the various organs of the Organization and at conferences and meetings called by it; members of the Executive Board, alternates, permanent delegates accredited to the Organization and their deputies shall enjoy, during their stay in France on official duty, such privileges, immunities and facilities as are accorded to diplomats of equal rank belonging to foreign diplomatic missions accredited to the Government of the French Republic.

2. These privileges, immunities and facilities shall extend to the spouses and children under 21 of the above-mentioned persons.

3. Only the heads of delegations of Member States to the General Conferences of the Organization, the Chairman of the Executive Board and permanent delegates accredited to the Organization with the rank of ambassador or minister plenipotentiary shall be assimilated to heads of diplomatic missions.



*Article 19*

1. Without prejudice to the provisions of Articles 23 and 24, the Director-General and Deputy Director-General of the Organization shall, during their residence in France, have the status accorded to the heads of foreign diplomatic missions accredited to the Government of the French Republic.

2. Without prejudice to Articles 22 and 24, the directors of departments, the heads of services and bureaux and officials defined in Annex B<sup>1</sup> of this Agreement, and the spouses and dependent children of the persons designated in paragraphs 1 and 2 of this Article shall be accorded during their residence in France the privileges, immunities and facilities and other courtesies accorded to members of foreign diplomatic missions in France.

3. The persons mentioned in paragraphs 1 and 2 of this Article may not, if they are of French nationality, claim immunity in the French courts in respect of judicial proceedings concerning matters extraneous to their official duties.

*Article 20*

The Organization shall, in due course, communicate to the Government of the French Republic the names of the persons mentioned in Articles 18 and 19.

*Article 21*

The immunities provided for in Articles 18 and 19 are accorded in the interests of the Organization and not for the personal benefit of the individuals themselves. Such immunities may be waived by the Government of the State concerned in respect of its representatives and their families; by the Executive Board in respect of its members and their families and of the Director-General and his family; and by the Director-General in respect of the other officials of the Organization mentioned in Article 19, and their families.

## OFFICIALS AND EXPERTS

*Article 22*

Officials governed by the provisions of the Staff Regulations of the Organization

- (a) shall be immune from legal process in respect of all activities performed by them in their official capacity (including words spoken or written);
- (b) shall be exempt from all direct taxation on salaries and emoluments paid to them by the Organization;
- (c) subject to the provisions of Article 23, shall be exempt from all military service and from all other compulsory service in France;

<sup>1</sup> See p. 26 of this volume.

- (d) shall, together with their spouses and the dependent members of their families be exempt from immigration restrictions and registration provisions relating to foreigners;
- (e) shall, with regard to foreign exchange, be granted the same facilities as are granted to members of diplomatic missions accredited to the Government of the French Republic;
- (f) shall, together with their spouses and dependent members of their families, be accorded the same facilities for repatriation as are granted to members of diplomatic missions accredited to the Government of the French Republic in time of international crisis;
- (g) shall, provided they formerly resided abroad, be granted the right to import free of duty their furniture and personal effects at the time of their installation in France;
- (h) may temporarily import motor cars free of duty, under customs certificates without deposits.

#### *Article 23*

1. French officials of the Organization are not exempt from military service or any other obligatory service in France. Nevertheless, those whose names have, by reason of their duties, been placed upon a list compiled by the Director-General and approved by the French authorities, may, in case of mobilization, be assigned to special duties in accordance with French law.

2. These authorities shall, on the request of the Organization and in case of a call up for national service applicable to other officials of French nationality, grant such temporary deferments as may be necessary to avoid the interruption of essential work.

#### *Article 24*

Privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-General shall agree to waive the immunity granted to an official in any case in which he considers that such immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

#### *Article 25*

1. While performing their functions or engaged on mission on behalf of the Organization, experts other than the officials mentioned in Articles 19 and 22 shall, in so far as is necessary for the effective discharge of their functions, and also during journeys made in the course of duty or for the period of their missions, be granted the under-mentioned privileges and immunities :

- (a) immunity from personal arrest and seizure of personal baggage, except if caught in the act of committing an offence. The competent French authorities shall, in such cases, immediately inform the Director-General of the Organization of the arrest or of the seizure of baggage;
- (b) immunity from judicial process in respect of all acts done by them in the performance of their official functions (including words spoken or written). Such immunity shall continue notwithstanding that the persons concerned are no longer performing official functions for the Organization or on mission on its behalf;
- (c) the same facilities concerning the regulation of foreign exchange as those accorded to officials of foreign governments on temporary official mission.

2. The Director-General of the Organization shall agree to waive the immunity of an expert in any case in which he considers that this can be done without damage to the interests of the Organization.

#### Article 26

The Organization shall constantly co-operate with the competent French authorities for the proper administration of justice, the due carrying out of police regulations and in order to avoid any possible abuse arising out of the exercise of the immunities and facilities provided for in this Agreement.

#### LAISSEZ-PASSER

#### Article 27

United Nations *laissez-passer* held by officials of the Organization shall be recognized and accepted by the Government of the French Republic as valid travel documents.

#### SETTLEMENT OF DISPUTES

#### Article 28

The Organization shall make provision for appropriate modes of settlement of :

- (a) disputes arising out of contracts or other disputes in private law to which the Organization is party;
- (b) disputes involving any official of the Organization who, by reason of his official position, enjoys immunity if this immunity has not been waived by the Director-General.

### Article 29

1. Any dispute between the Organization and the Government of the French Republic concerning the interpretation or application of this Agreement, or any supplementary agreement, if it is not settled by negotiation or any other appropriate method agreed to by the parties, shall be submitted for final decision to an arbitration tribunal composed of three members; one shall be appointed by the Director-General of the Organization, another by the Minister of Foreign Affairs of the Government of the French Republic and the third chosen by these two. If the two arbitrators cannot agree on the choice of the third, the appointment shall be made by the President of the International Court of Justice.

2. The Director-General or the Minister of Foreign Affairs may request the General Conference to ask an advisory opinion of the International Court of Justice on any legal question raised in the course of such proceedings. Pending an opinion of the Court, the two parties shall abide by a provisional decision of the arbitration tribunal. Thereafter, this tribunal shall give a final decision, taking into account the advisory opinion of the Court.

## GENERAL PROVISIONS

### Article 30

The provisional Agreement of 10 March 1947 between the Government of the French Republic and the Organization shall terminate on the entry into force of this Agreement.

### Article 31

1. This Agreement is made in accordance with the provisions of Section 39 of the Convention on the Privileges and Immunities of the Specialized Agencies,<sup>1</sup> which provides for special agreements between a State and a Specialized Agency for the carrying out of the provisions of the above-mentioned Convention, taking into account the particular needs of an Agency at its headquarters.

2. The accession of the Government of the French Republic to the Convention on the Privileges and Immunities of the Specialized Agencies shall not be deemed to modify the application of the provisions of this Agreement.

<sup>1</sup> United Nations, *Treaty Series*, Vol. 33, p. 261; Vol. 43, p. 342; Vol. 46, p. 355; Vol. 51, p. 330; Vol. 71, p. 316; Vol. 76, p. 274; Vol. 79, p. 326; Vol. 81, p. 332; Vol. 84, p. 412; Vol. 88, p. 446; Vol. 90, p. 323; Vol. 91, p. 376; Vol. 92, p. 400; Vol. 96, p. 322; Vol. 101, p. 288; Vol. 102, p. 322; Vol. 109, p. 319; Vol. 110, p. 314; Vol. 117, p. 386; Vol. 122, p. 335; Vol. 127, p. 328; Vol. 131, p. 309; Vol. 136, p. 386; Vol. 161, p. 364; Vol. 168, p. 322; Vol. 171, p. 412; Vol. 175, p. 364; Vol. 183, p. 348; Vol. 187, p. 415; Vol. 193, p. 342; Vol. 199, p. 314; Vol. 202, p. 321; Vol. 207, p. 328; Vol. 211, p. 388; Vol. 216, p. 367; Vol. 221, p. 409; Vol. 231, p. 350; Vol. 275, p. 298; Vol. 276, p. 352; Vol. 277, p. 343; Vol. 280, p. 348; Vol. 282, p. 354; Vol. 286, p. 334; Vol. 299, p. 408; Vol. 300, p. 305; Vol. 301, p. 439; Vol. 302, p. 353; Vol. 304, p. 342; Vol. 308, p. 310; Vol. 309, p. 354; Vol. 310, p. 318; Vol. 314, p. 308; Vol. 316, p. 276; Vol. 317, p. 316; Vol. 320, p. 321; Vol. 323, p. 364; Vol. 325, p. 328; Vol. 327, p. 324; Vol. 330, p. 348; Vol. 337, p. 376; Vol. 338, p. 326; Vol. 344, p. 302; Vol. 345, p. 352; Vol. 349, p. 312, and Vol. 355.

3. It is, however, understood that, should that Convention be revised, the Minister of Foreign Affairs of the Government of the French Republic and the Director-General of the Organization shall confer with a view to deciding what necessary amendments should be made to this Agreement.

4. All amendments to the provisions of this Agreement must be submitted to the competent authorities of the Organization and to the Government of the French Republic. No such revision shall come into force save in accordance with the procedure set out in Article 32.

#### Article 32

This Agreement and any amendment made thereto shall come into force on the exchange of the instrument of ratification by the Government of the French Republic and the notification of approval by the Organization.

DONE at Paris on 2 July 1954, in two copies in the French and English languages, both texts being equally authoritative.

#### ANNEX A

The permanent headquarters of the Organization is established on an area of 30,350 square metres of land, situated in Paris in the 7th *arrondissement*, between Place Fontenoy, Avenue de Saxe, Avenue Ségur, Avenue de Suffren and Avenue de Lowendal. This area was granted to the Department of Foreign Affairs by decree dated 22 December 1952 and let to the Organization by lease dated 25 June 1954 and is designated by the area coloured pink on the plan annexed to the said lease.

#### ANNEX B

The officials of the Organization who shall benefit from the provisions of Article 19, paragraph 2, are, in addition to the directors of departments and heads of services and bureaux, the following :

- (a) officials in a grade equivalent or superior to grade P.5;
- (b) as a transitional measure, those officials who, under the provisional headquarters Agreement entered into by the Government of the French Republic and the Organization, enjoyed the privileges and immunities accorded to members of diplomatic missions in France;
- (c) officials in grades corresponding to the grades of officials of any other intergovernmental institution to whom the Government of the French Republic may grant diplomatic privileges and immunities by a headquarters Agreement.

For the Government of the French Republic :  
GUÉRIN DE BEAUMONT

For the United Nations Educational, Scientific  
and Cultural Organization :  
Luther H. EVANS