

No. 14052

**FRANCE
and
HAITI**

**Agreement on cultural, scientific, technical and economic
co-operation. Signed at Paris on 6 June 1973**

Authentic text: French.

Registered by France on 27 May 1975.

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**Accord de coopération culturelle, scientifique, technique et
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Texte authentique : français.

Enregistré par la France le 27 mai 1975.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON CULTURAL, SCIENTIFIC, TECHNICAL AND ECONOMIC CO-OPERATION BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF HAITI

The Government of the French Republic and the Government of the Republic of Haiti,

Considering the moral and spiritual solidarity linking the French and Haitian peoples and the French-speaking nations in general;

Desiring to strengthen the traditional ties of friendship between the two States on the basis of full equality and respect for their independence;

Resolved to work together to promote science, technology, the arts and letters, and mutual knowledge of their respective cultural heritages;

Wishing to promote fruitful exchanges in the fields of science, technology and culture through close co-operation,

Have agreed on the following provisions:

Title I. CULTURAL CO-OPERATION

Article I. The Contracting Parties shall promote co-operation and cultural exchanges between the two countries by the various means at their disposal.

Article II. The Contracting Parties consider the training of Haitian teachers, particularly for the teaching of French, mathematics and science and for vocational and technical training, to be a matter of priority. They shall co-operate mutually for this purpose, in particular by organizing courses and study visits and also, as far as possible, by assigning teachers.

In order to participate in the development of teaching in higher, secondary and technical educational establishments, the Government of the French Republic shall, in so far as it is able, send teachers to the Government of the Republic of Haiti.

Article III. The Contracting Parties shall, as far as possible, organize the assignment and exchange of teachers, lecturers, assistants, and eminent persons in the cultural and scientific fields and of organizers of university and extra-mural cultural groups.

Article IV. Each of the Contracting Parties shall endeavour to develop the granting of scholarships or fellowships to students and research workers from the other country wishing to follow courses of advanced study on its territory. The candidates for the scholarships or fellowships offered by each of the two Governments shall be selected by special mixed commissions.

¹ Came into force on 11 October 1973, the date of the last of the notifications by which each Contracting Party informed the other Party when the formalities required under its Constitution had been completed, in accordance with article XXVII.

Article V. The Contracting Parties shall grant every facility for the organization of concerts, exhibitions, theatrical performances and all artistic events designed to increase knowledge of their respective cultures.

Article VI. The Contracting Parties shall facilitate, on a basis of reciprocity and within the context of their national legislation, the entry into and distribution in their territories of:

- Cinematographic works, musical works (in the form of scores or recordings) and radio and television programmes;
- Works of art and reproductions thereof;
- Books, periodicals and other cultural, scientific and technical publications and catalogues thereof.

They shall, as far as possible, assist the events and exchanges organized in these fields.

Article VII. Each of the Contracting Parties shall promote the establishment and operation in its territory of cultural, scientific and technical institutions, such as cultural institutes, teacher-training centres, cultural associations, research centres and educational establishments which the other Party has set up or wishes to set up, and also private establishments which the other Party recommends to its attention. These institutions shall be granted every facility for their establishment and operation within the framework of the legislation of the country in which they are established.

Article VIII. The Contracting Parties shall endeavour to establish partial or total equivalence between studies carried out, competitive and other examinations undergone and diplomas obtained in their respective territories, in accordance with the regulations in force in each of the two countries.

Article IX. The Contracting Parties shall encourage co-operation among youth organizations recognized in each of the two countries.

They are also in favour of the development of exchanges in the fields of sport and mass education.

Title II. SCIENTIFIC, TECHNICAL AND ECONOMIC CO-OPERATION

Article X. The Government of the French Republic shall, in so far as it is able, co-operate with the Republic of Haiti in the fields of scientific research, the training of administrative and technical personnel, and economic development.

Article XI. At the request of the Government of the Republic of Haiti, the Government of the French Republic may co-operate, either directly or through specialized bodies, in the conduct of operations affecting the economic and social development of Haiti.

The arrangements for such co-operation shall be specified, in each case, by special agreements.

Article XII. With a view to giving practical effect to that co-operation, the Government of the French Republic, at the request of the Government of the Republic of Haiti, shall endeavour to arrange for:

- (a) The assignment of experts to participate in studies, to give technical advice on specific problems, or to organize training courses;

- (b) Assistance in the implementation of scientific and technical research programmes, in particular through the participation of institutions or bodies which specialize in such matters.

Article XIII. In order to effect this co-operation, the Government of the French Republic shall, if the Government of the Republic of Haiti so requests, endeavour to use the following means:

- (a) The granting of scholarships or fellowships and the organization of courses of study or advanced study;
- (b) The participation of nationals of Haiti in seminars and vocational training courses;
- (c) The transmission of documentation, the organization of lectures, the presentation of films and all other means of disseminating technical information.

Article XIV. The Government of the French Republic shall take the necessary measures to facilitate exchanges of students and the organization of training and advanced training courses for Haitian technicians. The Government of the Republic of Haiti shall endeavour, in so far as it is able, to continue paying remuneration to fellowship holders employed by a public or parapublic administrative authority for the duration of their courses.

Title III. THE ORGANIZATION OF CO-OPERATION AND THE STATUS OF THE PERSONNEL RESPONSIBLE FOR EFFECTING IT

Article XV. The co-operation measures provided for in titles I and II shall be incorporated in programmes drawn up by agreement between the Parties within the mixed commission referred to in article XVI below. These programmes shall establish priorities and determine the methods to be used.

Article XVI. The competence of the mixed commission established by the Protocol between the Government of the French Republic and the Government of the Republic of Haiti signed on 19 April 1972¹ shall apply in the context of this Agreement.

Article XVII. The methods for the assignment by the Government of the French Republic to the Government of the Republic of Haiti of the teachers and experts referred to in this Agreement, and the nature of the tasks entrusted to them, shall be defined in the cultural, scientific and technical co-operation programmes drawn up by the mixed commission.

Article XVIII. (a) With regard to the teachers and experts sent on assignment to the Republic of Haiti under this Agreement and any supplementary agreements which may be concluded, the co-operation between the Government of the French Republic and the Government of the Republic of Haiti shall be organized on a basis of joint financing and in accordance with methods to be specified in subsequent agreements.

(b) In the case of assignments of more than three months, the Government of the Republic of Haiti shall pay each of the teachers and experts a fixed monthly allowance, the amount of which shall be established in accordance with the provisions of the preceding paragraph.

(c) The Government of the Republic of Haiti shall also provide the teachers and experts with the facilities required for their work, and in particular, when their duties so require, official transport, offices and equipment, auxiliary staff, and free correspondence and telecommunications facilities.

¹ United Nations, *Treaty Series*, vol. 832, p. 239.

Article XIX. Teachers and experts sent to the Republic of Haiti under the Agreement on cultural, scientific and technical co-operation and any supplementary agreements which may be concluded between the two Parties shall, while in the territory of that State, be subject to the following régime:

(a) The Government of the Republic of Haiti shall exempt from all customs duties and other charges and prohibitions and restrictions on import or re-export at the end of an assignment, furniture and personal effects (particularly refrigerators, radios, gramophones, tape recorders, television sets, electrical household appliances, air conditioners and cameras) imported into the territory of that State by the personnel referred to in this Agreement within six months of taking up their duties and by members of their families on arrival in the territory of that State.

(b) The Government of the Republic of Haiti shall, in particular, exempt such personnel from all customs duties, taxes and charges on the import of one automobile (new or used) for their personal use; this vehicle may be imported up to six months after the arrival of such personnel in the Republic of Haiti.

If such persons do not import automobiles, they may, within the same time-limit of six months after their arrival, purchase a vehicle exempt from customs duties and other taxes.

An automobile imported or purchased under these conditions shall be subject to taxes and other charges if it is resold in the Republic of Haiti, unless the purchaser enjoys the same privileges.

(c) The portion of the remuneration paid to personnel sent to Haiti by the Government of the French Republic under this Agreement shall be exempted from all taxes by the Government of the Republic of Haiti.

The Government of the Republic of Haiti shall allow the free transfer of fees of artists who have participated in events organized in accordance with title I, article VI, of the Agreement on cultural, scientific and technical co-operation and the transfer of royalties and performers' fees and money received from the distribution and sale of cultural materials referred to in title I, articles VI and VII, of the Agreement on cultural, scientific and technical co-operation.

(d) The Government of the Republic of Haiti shall guarantee to the personnel referred to in this Agreement and their families, for the duration of their assignments, the advantages and privileges enjoyed by experts of international organizations. It shall, in particular, guarantee to such persons, during their assignments, including travel time, the privileges and immunities necessary to facilitate the performance of their duties, and in particular:

1. Freedom to enter or leave the territory of the Republic of Haiti;
2. Exemption from work permits and granting of residence permits free of charge;
3. Immunity from jurisdiction for acts performed by them in the context of their assignments;
4. Immunity from liability vis-à-vis third parties in the context of their assignments, except in cases of deliberate intent or serious negligence. In such cases, the Government of the Republic of Haiti shall take the place of the experts and teachers without prejudice to the proceedings which might be instituted against them by the Government of the French Republic on their return to France.

If the Government of the French Republic provides materials or equipment to the Government of the Republic of Haiti, or to agreed organizations or bodies, the Government of the Republic of Haiti shall authorize the entry of such supplies free of customs duties and other import prohibitions and restrictions or fiscal levies of any kind.

These exemptions shall be granted by the Government of the Republic of Haiti for the entry into its territory of educational and cultural materials for the educational establishments and cultural, scientific and technical institutions referred to in article VII of the Agreement and also for the materials needed for the application of articles II and III.

The same exemptions shall be granted by the Government of the Republic of Haiti for the entry into its territory of the materials and equipment needed for the performance of the duties of teachers, experts and other personnel referred to in the Agreement on cultural, scientific, technical and economic co-operation.

The formalities required shall be carried out by the Haitian bodies to which the materials concerned are consigned.

Article XXI. All the contracts, agreements, written orders, and, in general, all documents signed for the implementation of the measures referred to in article XV of this Agreement shall be exempt from all stamp duties and registered free of charge.

The supplies and equipment which are needed shall be exempt from all fiscal or customs levies which take the form of indirect taxes.

The works and services of all kinds executed for the implementation of these projects shall not be subject to any fiscal or parafiscal, direct or indirect levy other than taxes on the profits made or distributed.

The rules relative to the basis and calculation of such taxes shall become fixed on the date of the invitation in the case of invitations to tender and on the date of signature of the special agreement referred to in article XI above in the case of sale by private contract or written orders.

Article XXII. The provisions of article XIX shall apply to the agents responsible for preliminary studies and the realization of the operations envisaged in article XI.

Article XXIII. The Government of the French Republic shall, under the conditions laid down in its internal regulations, exempt from customs duties the import of cultural materials which the Government of the Republic of Haiti wishes to use in France in the context of cultural and technical co-operation, unless such materials are to be used for commercial purposes.

Article XXIV. The property, furniture and personal effects, and automobiles belonging to personnel from the Republic of Haiti performing functions in France under this Agreement shall benefit, at the time of import, from the exemptions prescribed by the rules in force in French territory.

Article XXV. The articles and materials imported duty-free under the provisions of the Agreement on cultural, technical, scientific and economic co-operation may not be ceded or lent either for a consideration or free of charge in the territory into which they are imported, except under conditions agreed on by the competent authorities of that territory.

Article XXVI. This Agreement is concluded for a period of 10 years. Either Party may denounce it by giving one year's notice. It may be amended at any time by agreement between the two Parties.

Article XXVII. Each Contracting Party shall notify the other Party when the formalities required under its Constitution have been completed so that the Agreement may enter into force on the date of the last such notification.

IN WITNESS WHEREOF, the representatives of the two Governments have signed this Agreement and affixed their seals thereto.

DONE at Paris, on 6 June 1973, in duplicate in the French language, both texts being equally authoritative.

For the Government of the French Republic:

[*Signed*]

MICHEL JOBERT
Minister for Foreign Affairs

For the Government of the Republic of Haiti:

[*Signed*]

ADRIEN RAYMOND
Minister for Foreign Affairs
