

No. 20937

**FRANCE
and
CENTRAL BANK OF WEST AFRICAN STATES**

**Agreement for the establishment in Paris of an office of the
Central Bank of West African States and on its privi-
leges and immunities in French territory (with annex).
Signed at Paris on 4 April 1979**

Authentic text: French.

Registered by France on 4 March 1982.

**FRANCE
et
BANQUE CENTRALE DES ÉTATS
DE L'AFRIQUE DE L'OUEST**

**Accord relatif à l'établissement à Paris d'un Bureau de la
Banque centrale des États de l'Afrique de l'Ouest et à
ses privilèges et immunités sur le territoire français
(avec annexe). Signé à Paris le 4 avril 1979**

Texte authentique : français.

Enregistré par la France le 4 mars 1982.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE CENTRAL BANK OF WEST AFRICAN STATES FOR THE ESTABLISHMENT IN PARIS OF AN OFFICE OF THE CENTRAL BANK OF WEST AFRICAN STATES AND ON ITS PRIVILEGES AND IMMUNITIES IN FRENCH TERRITORY

The Government of the French Republic and the Central Bank of West African States,

Considering that the Board of Directors of the Central Bank of West African States (CBWAS), at its meeting of 15 June 1978 at Niamey, decided to establish an Office of CBWAS in Paris, in accordance with the last paragraph of article 2 of the statutes;

Desiring to regulate, by this Agreement, all matters relating to the establishment of the Office of CBWAS in Paris and to define its privileges and immunities,

Have appointed as their representatives for this purpose:

The Government of the French Republic: Mr. Henri Froment-Meurice, Minister Plenipotentiary, Director of Economic and Financial Affairs in the Ministry of Foreign Affairs;

The Central Bank of West African States (hereinafter referred to as "the Bank"): Mr. Abdoulaye Fadiga, Governor of the Bank,

who have agreed as follows:

Article 1. The Bank is authorized to establish representation in France, hereinafter referred to as "the Office". The Office shall act and disseminate information on behalf of the headquarters at Dakar, to which it shall also provide information.

Article 2. The headquarters of the Office shall comprise the premises owned or rented by the Bank and which the Office occupies or may occupy for the purpose of carrying out its activities, not including premises used as living quarters by its staff.

Article 3. 1. The headquarters of the Office shall be inviolable. Officers and officials of the French Government may not enter the headquarters to discharge any official duty save with the consent or at the request of the Governor's representative or of any of his assistants, for the purpose of, *inter alia*, restoring law and order or to expelling any person whose presence is deemed undesirable by the representative or any of his assistants. Consent may be presumed in the case of a serious accident requiring immediate protective measures.

2. The Bank shall not permit the headquarters of the Office to become a refuge for any person who is sought for a crime or flagrant offence, who has been convicted of a criminal offence or against whom a warrant of arrest or a deportation order has been issued by the competent French authorities.

Article 4. The property and assets made available by the Bank to the Office shall be immune from search, seizure, confiscation, requisition, expropriation or any other form of administrative or legislative restraint.

¹ Came into force on 4 December 1981, i.e., 30 days after the date of the last of the notifications by which the Parties informed each other (on 2 and 4 November 1981) of their approval, in accordance with article 19 (4).

Article 5. Without prejudice to the provisions of article 62 of the Bank's statutes:

1. The Office as well as the property and assets made available by the Bank for the Office's operation, shall be exempt from all direct taxation. This exemption shall not, however, extend to charges for services rendered.

2. Buildings purchased or rented by the Bank for the Office's operating purposes shall be exempt from the registration tax, the tax on real estate advertisements and the lease tax.

3. The Bank shall pay, in accordance with the provisions of ordinary law, all indirect taxes which form part of the cost of goods sold and services rendered to it.

Nevertheless, turnover taxes levied by the State in respect of large purchases of operating equipment by the Bank for the Office's official use shall be reimbursed under conditions to be agreed between the Office and the competent French authorities.

Article 6. Furniture, furnishings and office supplies for the Office's operating purposes, and publications, cinematographic films or photographic documents pertaining to its functions shall, when imported or exported, be exempt from customs duties and charges and turnover taxes.

The importation and exportation of articles belonging to the categories of goods specified in the preceding paragraph shall also be exempt from all prohibitions or restrictions.

Articles imported under such exemptions may not be transferred free of charge or against payment, or be loaned in French territory save on conditions previously agreed upon by the competent French authorities.

Article 7. To the fullest extent compatible with the provisions of the international conventions, regulations and arrangements to which the Government of the French Republic is a party, the Office shall, in respect of its official communications, regardless of their nature, benefit from the same terms as those accorded to the States of the West African Monetary Union (WAMU) in the matter of priorities, tariffs and charges in respect of their official mail, cablegrams, telegrams, radio-telegrams, photograph facsimile telegrams, telephone and other communications, as well as in the matter of press rates in respect of information for the press, radio or television.

Article 8. 1. Official communications to or from the Bank, irrespective of their mode of transmission or the form in which they are sent, shall not be restricted in any way. The immunity shall extend, *inter alia*, to publications, documents, blueprints and sketches, filmstrips and cinematographic films, sound films and sound recordings pertaining to its functions.

2. Official correspondence sent by the Office to the Bank and vice versa shall be inviolable.

3. The Office shall be entitled to send or receive its official correspondence by special couriers and sealed bags.

Article 9. The Office shall be entitled to use, for its official requirements, the transport facilities provided by the French Government at tariffs and under terms at least as favourable as those accorded by the French Government to the member States of the West African Monetary Union and to the international organizations.

Article 10. In the event of a disruption of any of the public services necessary for the operation of the Office, the competent authorities of the French Republic shall, as far as possible, endeavour to take the necessary measures so that the disruption does not adversely affect the Office's operation.

Article 11. Except where it is not in the interest of national security, in which case the Bank would be notified, the Government of the French Republic undertakes to au-

thorize the entry into France of the following persons without delay and without charge for visas, and their stay in France for the terms of their duty or mission with the Bank:

- (a) Members of the Council of Ministers of CBWAS;
- (b) The Governor, Deputy Governor and members of the Bank's Board of Directors;
- (c) Members of the Bank's staff assigned to the Office;
- (d) Persons sent on mission to the Office;
- (e) Family members of the aforementioned persons.

Article 12. Subject to the provisions of article 14:

1. The staff members of the Office referred to in the annex shall enjoy:

- (a) As regards categories I, II and III, even after the termination of their functions, immunity from legal process in respect of all acts performed by them in their official capacity; this immunity shall not extend to violations of traffic regulations by staff members of the Office or to damage caused by a motor vehicle belonging to them or driven by them;
- (b) As regards categories I, II, III and IV:
 - (1) In the case of staff members who formerly resided abroad, the right to import free of duty their furniture and personal effects at the time of their installation in France,
 - (2) Special residence permits issued by the competent French authorities for themselves and their spouses and minor children,
 - (3) In time of international crisis, the same facilities for repatriation for themselves and their family members as are granted to members of diplomatic missions.

2. In addition, the representative and his assistants shall benefit from arrangements for the temporary duty free importation of their automobiles.

Article 13. The representative and his assistants shall be exempt from taxes on the salaries and emoluments received for their work at the Bank with the exception of retirement or survivors' pensions and allowances. They shall be considered as having maintained their residence for tax purposes in the State in which they resided before assuming their duties.

Article 14. The Government of the French Republic shall be under no obligation to grant to French nationals or to permanent residents of France the privileges and immunities referred to in article 12, paragraph 1(b) and paragraph 2, and in article 13.

Article 15. In order to implement the provisions of articles 11, 12 and 13, the Office shall periodically send to the competent authorities the names of the staff members benefitting from said privileges and immunities.

Article 16. 1. The privileges and immunities are granted to the beneficiaries in the interest of the efficiency of the Office. The Bank shall agree to waive the immunity of any staff member where such immunity might impede the course of justice and provided it can be waived without prejudice to the interests of the Office.

2. The Bank and the Office shall co-operate on a continuing basis with the competent French authorities to facilitate the proper administration of justice and compliance with police regulations, and to prevent any abuse in connection with the exercise of the immunities and facilities provided for in this Agreement.

Article 17. 1. The provisions of this Agreement shall not affect the right of the Government of the French Republic to take the measures it considers necessary to the security of France and to the maintenance of public order.

2. In the event that it is considered necessary to implement the provisions of the first paragraph of this article, the Government of the French Republic shall, as speedily

as possible, contact the Governor of the Bank with a view to determining by agreement the necessary measures to be taken for the protection of the Bank's interests.

Article 18. 1. Any dispute between the Bank and the Government of the French Republic concerning the interpretation or application of this Agreement, which is not settled by negotiation or by any other settlement method agreed by the Parties, shall be referred, at the request of either of them, to a tribunal composed of three arbitrators, of which one shall be appointed by the Bank, another by the Government of the French Republic and the third, who shall preside over the tribunal, by agreement between the other two. The third arbitrator shall not be an official or a former official of the Bank, a national of one of the member States of WAMU, or a French national.

2. The application instituting arbitration proceedings must bear the name of the arbitrator appointed by the applicant; the respondent must appoint his arbitrator and inform the other party of the arbitrator's name within two months after receipt of the application instituting arbitration proceedings. Should the respondent fail to notify the other Party of the name of his arbitrator in the prescribed time period, or should the two arbitrators fail to agree on the choice of a third arbitrator, the arbitrator or the third arbitrator, as the case may be, shall be appointed by the managing Director of the International Monetary Fund.

3. The tribunal shall establish its own rules of procedure. Its decisions shall be binding on the parties and may not be appealed.

Article 19. 1. The privileges and immunities provided for in this Agreement for the benefit of the Office shall be granted to the Office so long as it maintains an establishment in France.

2. Consultations may take place with a view to amending this Agreement at the request of either of the Parties.

3. This Agreement may be denounced by either of the Contracting Parties after one year's notice.

4. This Agreement shall be approved by the Government of the French Republic and by the Bank. Each of the Parties shall notify the other that it has approved the Agreement, which shall enter into force 30 days after the date of the final notification.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE in Paris, on 4 April 1979, in duplicate in the French language.

For the Government
of the French Republic:
[Signed]
HENRI FROMENT-MEURICE
Minister Plenipotentiary

For the Central Bank
of West African States:
[Signed]
ABDOULAYE FADIGA
Governor of the Central Bank
of West African States

ANNEX

The Office shall have four categories of staff, as follows:

- I. The representative;
- II. The assistants to the representative;
- III. Middle-level supervisory staff and administrative and technical staff;
- IV. Service staff, i.e., persons employed as domestic staff of the Office (in particular: drivers, ushers, caretakers, etc.) excluding persons serving staff members at home.

This annex shall constitute an integral part of the Agreement.