

**No. 32673**

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**CANADA  
and  
NORTH PACIFIC MARINE SCIENCE ORGANIZATION**

**Headquarters Agreement. Signed at Victoria on 8 January  
1993**

*Authentic texts: English and French.*

*Registered by Canada on 27 February 1996.*

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**CANADA  
et  
ORGANISATION POUR LES SCIENCES MARINES  
DANS LE PACIFIQUE NORD**

**Accord de Siège. Signé à Victoria le 8 janvier 1993**

*Textes authentiques : anglais et français.*

*Enregistré par le Canada le 27 février 1996.*

## HEADQUARTERS AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF CANADA AND THE NORTH PACIFIC MARINE SCIENCE ORGANIZATION (PICES)

The Government of Canada and the North Pacific Marine Science Organization, wishing to conclude an agreement respecting the establishment in Canada of the headquarters of the Organization, have agreed as follows:

### ARTICLE 1

The North Pacific Marine Science Organization (hereinafter referred to as the Organization) shall have in Canada the legal capacities of a body corporate, including the capacity to contract, to acquire and dispose of property, and to institute legal proceedings.

### ARTICLE 2

The Organization, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except in so far as in any particular case the Executive Secretary of the Organization has expressly waived its immunity. Such waiver shall be understood not to extend to any measure of execution, save with the express consent of the Executive Secretary of the Organization. The Governing Council of the Organization shall establish guidelines as to the circumstances in which the Executive Secretary may waive any immunity of the Organization, and as to the method in which any such waiver shall be made.

### ARTICLE 3

The property and assets of the Organization, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of

<sup>1</sup> Came into force on 8 January 1993 by signature, in accordance with article 14 (1).

interference, whether by executive, administrative, judicial, or legislative action, except with the consent of and under the conditions agreed to by the Executive Secretary of the Organization. This Article shall not prevent the reasonable application of fire protection regulations.

#### ARTICLE 4

The archives and documents of the Organization shall be inviolable at any time wherever they may be.

#### ARTICLE 5

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

- (a) exempt from all direct taxes except for charges for public utility services;
- (b) exempt from customs duties and taxes in respect of articles imported or exported by the Organization in the furtherance of its function; articles imported under such exemption shall not be sold or disposed of in Canada except under conditions agreed to by the Government of Canada.
- (c) exempt from any prohibition or restriction on import, export or sale of its publications, and exempt from customs duties and excise taxes in respect thereof.

#### ARTICLE 6

All representatives of Member States to the Governing Council of the Organization shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy in Canada the privileges and immunities necessary for the independent performance of their function, and in particular immunity from personal arrest or detention and from seizure of their personal baggage, inviolability of all papers and documents, and, in respect of words spoken or written and all

acts done by them in their capacity as representatives, immunity from legal process of every kind. The immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties as representatives shall continue to be accorded, notwithstanding that the persons concerned have ceased to be representatives of Member States. Such immunity may be waived only by the Government of the Member State. For the purpose of this Agreement, representatives shall include alternate representatives, experts and advisors to representatives.

#### ARTICLE 7

The Chairman of the Governing Council of the Organization, and the Vice-Chairman when acting as Chairman, shall, while exercising the functions of the Chairman, and during their journeys to and from the place of meeting, or to and from the Secretariat, enjoy in Canada the privileges and immunities necessary for the independent performance of their function, and in particular immunity from personal arrest or detention and from seizure of their personal baggage, inviolability of all papers and documents, and, in respect of words spoken or written and all acts done by them in the capacity of Chairman, immunity from legal process of every kind. The immunity from legal process in respect of words spoken or written and all acts done by them in the capacity of Chairman shall continue to be accorded, notwithstanding that the person concerned is no longer the Chairman or acting as Chairman. Such immunity may be waived only by the Governing Council of the Organization.

#### ARTICLE 8

Except in so far as in any particular case any privilege or immunity is waived by the Executive Secretary of the Organization, or, in a case involving the immunities of the Executive Secretary, by the Chairman of the Governing Council of the Organization, officials of the Organization shall:

1. (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
  - (b) be immune, together with their spouses and members of their families forming part of their households, from immigration restrictions and alien registration;
  - (c) be immune from national service obligations;
  - (d) be given, together with their spouses and members of their family forming part of their households, the same repatriation facilities in times of international crisis as diplomatic agents;
  - (e) be accorded the same privileges in respect to exchange facilities as are accorded to officials of comparable ranks forming part of diplomatic missions in Canada;
  - (f) have the right to import free of duty their furniture and effects, including motor vehicles but not including spirituous liquors, at the time of first taking up their post in Canada;
  - (g) be exempt from taxation on the salaries and emoluments paid to them by the Organization.
2. The immunity from legal process in respect of words spoken or written and all acts done by them in their capacity as officials of the Organization shall continue to be accorded, notwithstanding that the person concerned is no longer an official of the Organization.

#### ARTICLE 9

No person shall be entitled to the privileges and immunities accorded in Article 8 unless and until the name and status of such person shall have been duly notified to the Secretary of State for External Affairs of Canada.

**ARTICLE 10**

An official of the Organization who is a Canadian citizen or a person admitted to Canada for permanent residence as defined by applicable Canadian immigration legislation shall enjoy only those privileges and immunities set forth in Article 8(a), (b), and (c).

**ARTICLE 11**

Experts performing missions for the Organization shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions.

**ARTICLE 12**

The Organization shall cooperate at all times with the appropriate Canadian authorities to facilitate the proper administration of justice, secure the observance of Canadian laws and regulations, and prevent the occurrence of any abuse in connection with the privileges, immunities, and facilities mentioned in this Agreement.

**ARTICLE 13**

Any dispute between the Organization and the Government of Canada concerning the interpretation or application of this Agreement or any supplementary agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred to a tribunal of three arbitrators for final decision. One arbitrator shall be designated by the Chairman of the Governing Council of the Organization, and another by the Secretary of State for External Affairs of Canada. The two arbitrators shall appoint a third arbitrator.

**ARTICLE 14**

1. This Agreement will enter into force on the date of its signature.

2. This Agreement may be revised at the request of either Party. To do so, the two Parties shall consult on the modifications in question. In the event that their negotiations should fail to produce an agreement within the period of one year, this Agreement may be renounced by either Party, upon giving notice of two years.

*[For the testimonium and signatures, see p. 192 of this volume.]*

IN WITNESS WHEREOF, the undersigned duly authorized by the Government of Canada and the North Pacific Marine Science Organization (PICES) have signed this Agreement.

EN FOI DE QUOI les soussignés, dûment autorisés par le Gouvernement du Canada et par l'Organisation pour les sciences marines dans le Pacifique Nord, ont signé le présent Accord.

DONE in duplicate at *Victoria*, this *8<sup>th</sup>* day of *January*, *1993*, in the English and French languages, each version being equally authentic.

FAIT en deux exemplaires à *Victoria*, ce *8<sup>e</sup>* jour de *janvier*, *1993*, en langues française et anglaise, les deux textes faisant également foi.

For the Government  
of Canada:

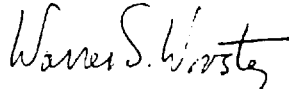
Pour le Gouvernement  
du Canada :



JOHN C. DAVIS

For the North Pacific Marine  
Science Organization (PICES):

Pour l'Organisation  
pour les sciences marines  
dans le Pacifique Nord (PICES) :



WARREN WOOSTER