

No. 31541

**CANADA
and
COMMONWEALTH OF LEARNING**

**Agreement regarding the headquarters of the Agency known
as the Commonwealth of Learning. Signed at Vancouver
on 14 November 1988**

Authentic texts: English and French.

Registered by Canada on 27 January 1995.

**CANADA
et
COMMONWEALTH POUR L'ENSEIGNEMENT**

**Accord relatif au siège de l'Agence du Commonwealth pour
l'enseignement. Signé à Vancouver le 14 novembre 1988**

Textes authentiques : anglais et français.

Enregistré par le Canada le 27 janvier 1995.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF CANADA AND THE AGENCY KNOWN AS THE COMMONWEALTH OF LEARNING REGARDING THE HEADQUARTERS OF THE AGENCY

The Government of Canada and the Agency known as the Commonwealth of Learning wishing to conclude an agreement respecting the establishment in Vancouver of the headquarters of the Agency, have agreed as follows:

ARTICLE I

Definitions

In this Agreement:

- (a) The term “Agency” means, the Commonwealth of Learning.
- (b) The term “premises of the Agency’s headquarters” means the premises occupied by or to be occupied by the Agency for purposes of carrying out its activities, but does not include the residences of its personnel.
- (c) The term “Agency Members” means the states that are Members of the Commonwealth.
- (d) The term “Officials of the Agency” means the President and all persons employed full time by the Agency and subject to its staff regulations, other than persons recruited locally and assigned to hourly rates of pay. The term “Officials of the Agency” includes Members of the Agency’s Board of Governors.
- (e) The term “Senior Official” means the following officials of the Agency:
 - (i) The President
 - (ii) The Vice-President
 - (iii) the Assistant Vice-Presidents

ARTICLE II

Status of the Agency

1. The Agency shall possess juridical personality. It shall have the capacity:
 - (a) to contract;

¹ Came into force on 14 November 1988 by signature, in accordance with article IX.

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

2. The Agency, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case the Agency has expressly waived its immunity.

3. (a) The premises of the Agency's headquarters shall be inviolable.
- (b) The property and assets of the Agency, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action, except with the consent of the President of the Agency.
- (c) The local authorities may enter the premises of the Agency's headquarters in the event of a fire.
- (d) The Agency shall not allow its headquarters to be used as a refuge for persons seeking to avoid arrest, or the service or execution of legal process.

4. The archives of the Agency, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

5. Without being restricted by financial controls, regulations or moratoria of any kind, the Agency may:

- (a) hold funds or currency of any kind and operate accounts in any currency;
- (b) transfer its funds or currency from one country to another or within Canada, and convert any currency held by the Agency into any other currency.

In exercising its rights under this section, the Agency shall pay due regard to any representations made by the Government of Canada, insofar as it is considered that effect can be given to such representations without detriment to its interests.

6. The Agency, its assets, income and other property shall be:

- (a) exempt from all direct taxes. However, the exemption shall not extend to taxes that are no more than charges for public utility services;
- (b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Agency for its official use. It is understood that articles imported under such exemption shall not be sold in Canada except under conditions agreed with the Government of Canada;
- (c) exempt from all import, export and sales prohibitions and restrictions, and from customs duties and excise, with respect to its publications, including audio-visual material.

7. When goods are purchased under appropriate certificates from manufacturers or wholesalers who are licenced under the Excise Tax Act, the Agency shall be eligible to claim for the remission or refund of the Excise tax and/or the Consumption or Sales tax for goods imported or purchased in Canada for the official use of the Agency as a body, provided, however, that any article which is exempted from these taxes, other than publications of the Agency, shall be subject thereto at existing rates if sold or otherwise disposed of within a period of one year from the date of purchase, and the vendor shall be liable for such tax.

8. The Agency shall enjoy in the territory of Canada, for its official communications, treatment not less favourable than that accorded to diplomatic missions in Canada in matters of communications priorities.

ARTICLE III

Representatives of Members

1. When they are invited to a meeting convened by the Agency, the representatives of Agency Members shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities in Canada:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, 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; immunity from legal process in respect of words spoken or written and all acts done by them shall continue to be accorded notwithstanding that the persons concerned are no longer representatives of the Members;
- (b) inviolability for all papers and documents;
- (c) exemption from immigration restrictions;
- (d) the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic envoys;
- (e) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

2. The privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Agency. Consequently, a Member not only has the right, under a duty to waive the immunity of its representative in any case where in the opinion of the Member, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.