

No. 53197*

**Canada
and
United Nations Educational, Scientific and Cultural Organization**

Agreement between the Government of Canada and the United Nations Educational, Scientific and Cultural Organization concerning the establishment in Canada of the Seat of the UNESCO Institute for Statistics (with schedule). Paris, 18 May 2001

Entry into force: *18 May 2001 by signature, in accordance with article XXIII*

Authentic texts: *English and French*

Registration with the Secretariat of the United Nations: *Canada, 10 December 2015*

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**Canada
et
Organisation des Nations Unies pour l'éducation, la science et la culture**

Accord entre le Gouvernement du Canada et l'Organisation des Nations Unies pour l'éducation, la science et la culture concernant l'établissement au Canada du siège de l'Institut de statistique de l'UNESCO (avec liste). Paris, 18 mai 2001

Entrée en vigueur : *18 mai 2001 par signature, conformément à l'article XXIII*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat des Nations Unies : *Canada, 10 décembre 2015*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION
CONCERNING
THE ESTABLISHMENT IN CANADA OF THE SEAT OF THE UNESCO
INSTITUTE FOR STATISTICS

THE GOVERNMENT OF CANADA AND THE UNITED NATIONS
EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO),

CONSIDERING THAT the General Conference of UNESCO has decided, by resolutions 43 and 44, adopted at its thirtieth session, to create the UNESCO Institute for Statistics and to approve its statutes, respectively,

CONSIDERING THAT the Executive Council of UNESCO decided, by decision 8.2, adopted at its one hundred and fifty-ninth session, to establish the Seat of the UNESCO Institute for Statistics in Montreal, Canada,

CONSIDERING THAT the Government of Canada wishes to establish the status of the Institute for Statistics of UNESCO and the privileges and immunities that it enjoys in Canada,

DESIROUS of entering into an Agreement governing the privileges, immunities and facilities that arise from the presence of the UNESCO Institute for Statistics in Canada and the financial provisions for its establishment in Canada,

HAVE AGREED as follows:

ARTICLE I

DEFINITIONS

For the purposes of this Agreement:

"Convention" means the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on February 13, 1946;

"Vienna Convention" means the *Vienna Convention on Diplomatic Relations* of April 18, 1961;

"Government" means the Government of Canada;

"Organization" means the United Nations Educational, Scientific and Cultural Organization (UNESCO);

"Institute" means the UNESCO Institute for Statistics;

"Director-General of the Organization" means the Director-General of UNESCO;

"Director of the Institute" means the UNESCO official who is the person in charge of the Institute;

"Officials of the Organization" means the Director-General, internationally recruited staff and other staff employed by the Organization on the basis of a letter of appointment or a contract;

"Experts on missions" means persons, other than officials of UNESCO, performing missions at the request of and for UNESCO or for the UNESCO Institute for Statistics acting on behalf of UNESCO;

"Premises" means the premises where meetings convened by UNESCO in Canada are held, and the buildings or portions of buildings occupied permanently or temporarily by UNESCO for the purposes of the Institute or by the Institute on behalf of UNESCO.

ARTICLE II

STATUS AND ADMINISTRATION OF THE INSTITUTE

1. The Institute, which is an integral part of UNESCO, is under the control and authority of the Organization, to which it is responsible.
2. The Organization shall have the right to establish the internal rules that apply to the Institute for the purpose of establishing the conditions that are necessary to the operation of the Institute.
3. Subject to this Agreement, the laws and regulations in force in Canada shall apply to the Organization, and consequently to the Institute.

ARTICLE III

JURIDICAL PERSONALITY

The Organization shall possess juridical personality in Canada. It shall have the capacity:

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

ARTICLE IV

PROPERTY, FUNDS AND ASSETS

1. 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 its immunity. No such waiver shall extend to any measure of execution except with the express consent of the Organization.
2. 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 interference, whether by executive, administrative, judicial or legislative action.
3. Without being restricted by financial controls, regulations or moratoria of any kind, the Organization may hold funds, gold or currency of any kind and operate accounts in any currency. It shall be free to transfer its funds, gold or currency within Canada and from Canada into any other country. It may also convert any currency held by it into any other currency.

ARTICLE V

INVIOABILITY OF PREMISES AND ARCHIVES

1. The premises shall be inviolable. The competent authorities of Canada may not enter upon the premises without the consent of the Director-General or the consent of a duly accredited official, and may do so only on such conditions as the Director-General or, in the absence of the Director-General, a senior official of the Organization acting on his or her behalf, may agree to. These provisions shall not prevent the reasonable application of fire or safety regulations.
2. The archives of the Organization, and in general all documents and electronic materials belonging to it or held by it, shall be inviolable, wherever located.
3. The Organization shall prevent the premises from becoming a refuge either for persons who are avoiding arrest or for persons who are endeavouring to avoid service of legal process.

ARTICLE VI

EXEMPTION FROM TAX AND DUTY

1. The Organization, its property, income and assets, shall be:
 - (a) exempt from all direct taxes; it is understood, however, that the Organization will not claim exemption from taxes which are, in fact, 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 Organization for its official use; it is understood, however, that articles imported under such exemption will not be sold in Canada except under conditions agreed to by the Government;
 - (c) exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications and other training and information documents of the Organization.
2. While the Organization will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which forms part of the price to be paid, nevertheless when the Organization is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the Government will make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE VII

FACILITIES IN RESPECT OF COMMUNICATIONS

1. The Organization shall enjoy, in Canada, for its official communications, treatment not less favourable than that accorded by the Government to any other Government, including the latter's diplomatic mission, in the matter of establishment and operation, priorities, rates and taxes on mails and cables and on teletype and facsimile machines, telephones and other means of communication, and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the Organization.
2. The Organization shall have the right to use codes and to dispatch and receive correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE VIII

ACCESS TO PREMISES OF THE ORGANIZATION

1. The competent Canadian authorities shall not impose any impediments to transit to or from the premises of the Organization in Canada by representatives of Member States, experts on missions or other persons invited by the Organization or by the Institute on behalf of the Organization for official purposes.