

1ST SESSION OF THE IHO ASSEMBLY

Monaco, 24-28 April 2017



ANY OTHER BUSINESS

REVISED HOST AGREEMENT

**REVISED AGREEMENT
BETWEEN
THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION
AND
THE GOVERNMENT OF HIS SERENE HIGHNESS THE PRINCE OF MONACO
CONCERNING
THE HEADQUARTERS OF THE ORGANIZATION AND
ITS PRIVILEGES AND IMMUNITIES
ON THE TERRITORY OF THE PRINCIPALITY**

The International Hydrographic Organization, hereinafter referred to as the Organization, and the Government of His Serene Highness the Prince of Monaco,

Considering that Article I of the intergovernmental Convention on the International Hydrographic Organization, signed on 3 May 1967, **as amended by the Protocol dated 14 April 2005**, provides that the headquarters of the Organization shall be in Monaco,

Desiring to determine the conditions of the establishment of such headquarters and to define the privileges and immunities of the Organization in Monaco,

Have agreed as follows:

ARTICLE 1

The Government of His Serene Highness the Prince of Monaco recognizes the legal personality of the Organization and its capacity to:

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

ARTICLE 2

The Organization shall enjoy on Monegasque territory the independence and liberty of action to which it is entitled as an intergovernmental organization, and in accordance with the provisions of this Agreement.

ARTICLE 3

- I. The headquarters of the Organization shall comprise the premises it now occupies or may occupy for the fulfilment of its duties, exclusive of any premises used for residential purposes by its Staff.
- II. The premises currently occupied by the **Bureau Secretariat** of the Organization in the building located Quai Antoine 1er (No. 4) shall be granted free of charge for use of the Organization for a period of 99 years, from 1st September 1996, by the Principality, which, in addition to the normal owner's responsibilities, agrees to assume responsibility for expenses for its heating, lighting and water supply; the Organization shall be responsible for other expenses incurred in upkeep of the interior which are normally the responsibility of the occupant.

ARTICLE 4

- I. The headquarters of the Organization shall be inviolable. Officers and officials of the Principality of Monaco shall be entitled to enter only with the consent of, or at the request of, the **President of the Directing Committee Secretary-General** or a person acting on his behalf.

This consent may be assumed in the case of fire or other disasters requiring prompt protective action.

- II. The Organization shall not allow its premises to be used by any person seeking refuge from justice following a crime or serious offence or against whom a writ, a legal sentence, a deportation order, or a decision to expel has been issued by the authorities in Monaco.

ARTICLE 5

- I. The Organization shall enjoy immunity from legal process except in so far as in any particular case the Organization has expressly waived immunity, the waiver being notified by the President of the Directing Committee Secretary-General or a person acting on his behalf.
- II. The movable property and assets of the Organization, wherever located, and the buildings which constitute its headquarters, shall enjoy immunity from execution except in so far as in any particular case the Organization has expressly waived immunity, the waiver being notified by the President of the Directing Committee Secretary-General or a person acting on his behalf.
- III. The property referred to in paragraph II above shall also enjoy immunity from search, requisition, confiscation or sequestration and from any other form of administrative or legal constraint.

ARTICLE 6

The archives of the Organization and, in general, all documents owned or held by it shall be inviolable.

ARTICLE 7

- I. Without being subject to financial control, regulation or moratoria, the Organization shall have the right, within the scope of its official activities, freely to:
- a) receive and hold funds and currency of any nature and operate accounts in any currency;
 - b) transfer its funds and currency within the territory of Monaco and from Monaco to another country or vice-versa.
- II. In exercising the rights conferred on it by this Article, the Organization shall take account of any representations made to it by the Government of His Serene Highness the Prince of Monaco in so far as it considers that these can be complied with without prejudice to its own interests.

ARTICLE 8

- I. The Organization, its assets, income and other property shall be:
- exempt from all direct tax, it being understood, however, that the Organization shall not seek exemption from taxes which are, in fact, only payment for services rendered;
 - exempt from taxes on import and export of goods and from prohibition and restrictions on imports and exports as regards goods or items imported or exported by the Secretariat of the Organization for official purposes as defined in Article VIII of the Convention of 3 May 1967 referred to above, as amended by the Protocol dated 14 April 2005, (particularly all hydrographic, oceanographic and nautical publications, issued by the Bureau Secretariat or received by the Bureau Secretariat from States Members of the Organization, from States with which the Bureau Secretariat corresponds, or scientific organizations), it being understood, however, that goods or

items imported under such conditions may in no circumstances be disposed of, nor may they be lent out free of charge, on Monegasque or French territory, except with the prior agreement of the relevant Monegasque or French authorities.

The above facilities shall in no way be considered as preventing the relevant authorities from taking appropriate security measures.

- II. The Organization shall be responsible in the normal way for the payment of indirect tax included in the price of goods sold or services rendered. However, any such tax paid on large purchases or operations effected by the Organization for the purposes defined in the preceding paragraph shall be reimbursable under conditions to be determined by mutual agreement between the Organization and the Government of His Serene Highness the Prince of Monaco.

ARTICLE 9

In so far as is compatible with the international conventions, regulations and arrangements to which the Government of His Serene Highness the Prince of Monaco is party, the Organization shall enjoy, in respect of its official communications of whatever nature, terms at least as favourable as those accorded to diplomatic missions in Monaco as regards any priority in communications and freedom of such communications.

ARTICLE 10

- I. The Government of His Serene Highness the Prince of Monaco shall undertake, except where reasons of public order preclude it, to permit the entry into the Principality and the residence therein, without charge for visas and without delay, for the term of their duty or mission with the Organization, of representatives of Member Governments and observers from States with which the Bureau Secretariat corresponds who are invited to participate in the sessions of the organs of the Organization or in conferences or meetings convened by the latter, as well as experts or persons called by it for consultative purposes.
- II. The persons concerned may not, for the duration of their missions, be compelled by the Monegasque authorities to leave the territory of Monaco save where they have abused the privileges of residence accorded to them in activities unconnected with their duties or missions with the Organization. The right of the Government of His Serene Highness the Prince of Monaco to expel such officials would, however, be exercised only after prior consultation with the President of the Directing Committee Secretary-General or a person acting on his behalf.
- III. Such persons are not exempt from application of the effective rules governing quarantine and public health.
- IV. During their missions and when travelling on the territory of the Principality, the persons referred to in this Article shall enjoy:
 - a) immunity from personal arrest or detention and from seizure of personal baggage, except if caught in the act of committing an offence, and
 - b) inviolability of official papers and documents.
- V. If such persons are not of Monegasque nationality or permanently resident in Monaco, they shall also enjoy immunity from judicial process, even after completion of their mission, for all acts, including words spoken and written, done by them in the performance of their official duties, within the scope of their responsibility. This immunity shall not apply in the case of infringement by the persons concerned of the regulations governing the circulation of motor vehicles or of damage caused by a motor vehicle owned or driven by them.

ARTICLE 11

The Personnel of the Organization comprises:

- a) the **Secretary-General** and the ~~three~~ Directors ~~of the Bureau~~;
- b) the Assistants, Heads of sections, permanent officials with duties of responsibility in the fields of the technical or administrative activities of the **Bureau Secretariat**;
- c) the other permanent officials charged with execution of work in the technical or administrative sections of the **Bureau Secretariat**;
- d) non-permanent employees **of the Secretariat**.

ARTICLE 12

I. The personnel specified in Article 11 a), b) and c) shall be accorded:

- a) immunity from judicial process, even after termination of their duties, for all acts, including words spoken and written, done by them in the performance of their official duties within the scope of their responsibility. Such immunity shall not apply in the case of infringement by an official of the regulations governing the circulation of motor vehicles or of damage caused by a motor vehicle owned or driven by him;
- b) exemption from any possible tax on the remuneration received for their activities with the Organization;
- c) the conditions provided in Article 10 above as regards entry into Monaco and residence therein;
- d) if they were formerly resident abroad, the right to import their household and personnel effects free of customs duty when first taking up their duties;
- e) a special identity card issued by the relevant authorities for themselves, their wives and dependent children;
- f) in periods of international crisis, the facilities for repatriation offered to members of diplomatic missions.

II. Furthermore, personnel in categories a) and b) shall be entitled to free temporary importation of a motor vehicle.

III. The Government of His Serene Highness the Prince of Monaco is not bound to accord to permanent residents of Monaco of French nationality the privileges mentioned in paragraph I b) above, nor to its own citizens and to permanent residents of Monaco the privileges mentioned in paragraph I c), d), f) and paragraph II above.

ARTICLE 13

I. The privileges and immunities provided for in this Agreement are not established with a view to granting the beneficiaries any personal advantages. They are instituted solely to ensure in all circumstances, the free functioning of the Organization and the complete independence of the persons on whom they are conferred.

- II. The ~~President of the Directing Committee~~Secretary-General or, in his absence, a person acting on his behalf, or, in the case of representatives at the ~~general Conference~~Assembly or at the Council, the Government of the State concerned, shall have the right and the duty to waive such immunities when they consider that such immunities will impede the course of justice and when this can be done without prejudice to the interests of the Organization.

ARTICLE 14

The provisions of this Agreement shall not affect the right of the Government of His Serene Highness the Prince of Monaco to take any measures it may consider advisable for the security of Monaco and the safeguard of public order.

ARTICLE 15

Any difference of opinion between the Government of His Serene Highness the Prince of Monaco and the International Hydrographic Organization concerning the interpretation of this Agreement, if not settled by negotiation, shall be referred for a final and irrevocable decision to a committee of three judges, comprising:

- a) an arbiter designated by the Government of His Serene Highness the Prince of Monaco,
- b) an arbiter designated by the Organization;
- c) an arbiter designated by both parties by mutual agreement, or, should such agreement not be obtained, by the President of the International Court of Justice.

ARTICLE 16

- I. This Agreement shall enter into force following exchange of the instruments of approval of the Government of His Serene Highness the Prince of Monaco and notification of approval by the International Hydrographic Organization.
- II. At the request of either Party, consultations shall take place respecting the implementation, revision or extension of this Agreement. In the event of negotiations not resulting in an accord within a period of one year, this Agreement may be denounced by giving two years' notice.

Done at Monaco, on the _____, in two copies in the French language.

On behalf of the International Hydrographic
Organization

On behalf of the Government of
His Serene Highness the Prince of Monaco

The Secretary-General of the Organization

The Minister of State