

**No. 49993**

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**France  
and  
Pacific Community**

**Headquarters Agreement between the Government of the French Republic and the Pacific Community. Nouméa, 6 May 2003**

**Entry into force:** *1 October 2011, in accordance with article 25*

**Authentic texts:** *English and French*

**Registration with the Secretariat of the United Nations:** *France, 3 August 2012*

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**France  
et  
Communauté du Pacifique**

**Accord de siège entre le Gouvernement de la République française et la Communauté du Pacifique. Nouméa, 6 mai 2003**

**Entrée en vigueur :** *1<sup>er</sup> octobre 2011, conformément à l'article 25*

**Textes authentiques :** *anglais et français*

**Enregistrement auprès du Secrétariat des Nations Unies :** *France, 3 août 2012*

HEADQUARTERS AGREEMENT  
BETWEEN  
THE GOVERNMENT OF THE FRENCH REPUBLIC  
AND  
THE PACIFIC COMMUNITY

The Government of the French Republic and the Pacific Community,

Considering that the Pacific Community, formerly known as the South Pacific Commission, has established its permanent headquarters in New Caledonia,

Desirous of reviewing the conditions relating to the presence and the privileges and immunities of the Pacific Community in the territory of the French Republic,

Have agreed as follows:

## ARTICLE 1

### *Definitions*

For the purposes of this Agreement:

- (a) the term "Canberra Agreement" refers to the Agreement signed in Canberra on 6 February 1947 to establish the South Pacific Commission, today known as the "Pacific Community";
- (b) the term "Community" refers to the Pacific Community, an international organisation with a regional role;
- (c) the term "French Party" refers to the competent French authorities in New Caledonia;
- (d) the terms "member states and territories" refer to any state or territory party to the Canberra Agreement;
- (e) the expression "staff members" refers to the Director-General and any other persons (except temporary contract staff) engaged as Community staff members, who are exclusively employed by the Community, paid by it and subject to its Staff Rules;
- (f) the expression "official activities" refers to the activities of the Community, carried out in pursuance of its objectives as defined by the Canberra Agreement;

- (g) the term "archives" refers to all documents belonging to the Community or held by it, particularly files, correspondence, manuscripts, photographs, films and recordings;
- (h) the term "premises" refers to buildings or parts of buildings purchased or leased by the Community and occupied by it for the sole purpose of carrying out its official activities, but excluding staff dwellings.

## ARTICLE 2

### *Legal personality*

The Community has legal personality and can, in this capacity, contract and acquire and dispose of movable and immovable property.

## ARTICLE 3

### *Archives*

The Community's archives are inviolable wherever they may be located.

## ARTICLE 4

### *Premises*

1. The premises of the Community are inviolable. The agents or officials of the French Party, apart from its representatives to the Community, may only enter such premises to perform their official duties with the consent or at the request of the Director-General and under conditions approved by the Director-General. This consent is deemed given when an accident or incident requires the urgent intervention of the French safety or fire-fighting services.
2. The Community will not allow its premises to be used to harbour any person being sought for the execution of a criminal judgement or who is pursued in the act of committing a crime or for whom an arrest warrant or a deportation order has been issued by the French authorities.

3. The Community controls and polices its premises. The French Party takes the necessary policing measures to protect the premises of the Community and maintain law and order in their immediate vicinity.

4. The French Party undertakes to assist the Community in acquiring or leasing premises whenever necessary.

5. The French Party strives to ensure that the Community's premises enjoy the necessary public services, such as electricity, water, mains sewage, gas, postal, telephone and telegraphic services, drainage, waste disposal and fire protection and that the above-mentioned public services are provided under reasonable conditions.

#### ARTICLE 5

##### *Flag and emblem*

1. The Community is entitled to fly its flag and display its emblem on its premises and on the Community's and Director-General's vehicles.

2. The Community is also entitled to fly the flags and display the emblems of its member countries and territories, in particular when regional meetings are held.

#### ARTICLE 6

##### *Immunity from legal process and from execution*

1. In the performance of its official activities, the Community enjoys immunity from legal process and from execution, except under the following circumstances:

- (a) when the Director-General of the Community specifically, by contract or otherwise, waives immunity from legal process or from execution in a particular case;
- (b) when civil proceedings are brought by a third party for damages resulting from an accident caused by a motor vehicle or any other means of transport belonging to the Community or operating on its behalf, or in the event of an offence against road safety regulations concerning the above-mentioned vehicle;