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Treaties and international agreements

registered

on 18 July 1951

Nos. 1315 to 1327

Traités et accords internationaux

enregistrés

le 18 juillet 1951

N^{os} 1315 à 1327

TRANSLATION — TRADUCTION

No. 1315. AGREEMENT¹ BETWEEN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION AND THE GOVERNMENT OF PERU CONCERNING PRIVILEGES, IMMUNITIES AND FACILITIES GRANTED TO THE INTERNATIONAL CIVIL AVIATION ORGANIZATION IN PERUVIAN TERRITORY. SIGNED AT MONTREAL, ON 22 OCTOBER 1948

In order to ensure that the International Civil Aviation Organization and, in particular, its Regional Office for the South American zone, shall enjoy the privileges, immunities and facilities essential for the performance of its functions in Peruvian territory,

The International Civil Aviation Organization and the Government of Peru
HAVE AGREED AS FOLLOWS :

Article 1

The International Civil Aviation Organization shall possess juridical personality.

In the accomplishment of its purposes and functions it shall have capacity :

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

Article 2

The Organization shall enjoy immunity from every form of judicial process.

No proceedings whatsoever may be instituted against the Organization except in cases where it expressly waives this immunity for the purpose of any particular proceeding or unless this waiver follows from the terms of a contract or in case of counter-claims.

Article 3

The premises of the Organization, its archives and, in general, all documents belonging to it or held by it shall be inviolable.

¹ Came into force on 22 October 1948 by signature, in accordance with article 21.

Article 8

The Peruvian Government shall grant to the Organization for its postal, telephonic, telegraphic, radiotelephonic, radiotelegraphic and radiotelephotographic communications treatment not less favourable than that which is or

may be accorded to diplomatic missions accredited to the Peruvian Government, especially as regards franking privileges and postal rates, correspondence priorities, the use of sealed bags and codes.

It shall facilitate by every legal means communications which the Director of the Regional Office at Lima and his principal colleagues may have to make through the Press and radio.

The correspondence and communications of the Organization may only be delayed in case of *force majeure*.

Article 9

Representatives of States Members of the International Civil Aviation Organization attending conferences convened by the Organization shall be accorded, while exercising their functions, and during their journey to and from the place of meeting, the facilities, privileges and immunities accorded to diplomatic missions accredited to the Peruvian Government. For this purpose, it is understood that the Organization shall supply the Peruvian authorities in due time with a list of the delegates invited to its conferences.

The benefit of the facilities, privileges and immunities referred to in the preceding paragraph shall extend to the representatives of Member States and to their alternate representatives, advisers, technical advisers and experts and secretaries.

Article 10

All officials of the Organization shall :

- 1) Be immune from legal process in respect of acts performed by them in their official capacity;
- 2) Be exempt from all direct taxation on the salaries and emoluments paid to them by the Organization;
- 3) Not be subject, together with their spouses and minor children, to the provisions of the Peruvian laws and regulations concerning aliens;
- 4) Be accorded the same exchange facilities as those granted to diplomatic representatives accredited to the Peruvian Government;
- 5) Be entitled, together with their spouses and minor children, to the same repatriation facilities as are granted to diplomatic missions accredited to the Peruvian Government in time of international crisis;
- 6) Have the right to import free of Customs duties their furniture and effects on the occasion of first taking up their post in Peru.

Article 15

Without prejudice to the independent and proper working of the Organization, the Peruvian Government may take all precautionary measures necessary to the national security.

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Any disagreement between the Director and the Peruvian Government which arises out of the interpretation or application of this Agreement or of any additional convention or agreement and which is not settled by negotiation, shall be submitted for a ruling to an arbitrator appointed by mutual agreement or, in case of disagreement on this point, appointed by the President of the International Court of Justice.

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