

No. 4541

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**UNITED NATIONS  
and  
CHILE**

**Agreement (with exchange of notes) regulating conditions for the operation, in Chile, of the Headquarters of the United Nations Economic Commission for Latin America. Signed at Santiago, on 16 February 1953**

*Official text: Spanish.*

*Registered ex officio on 22 October 1958.*

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**ORGANISATION DES NATIONS UNIES  
et  
CHILI**

**Convention (avec échange de notes) relative au fonctionnement du siège de la Commission économique des Nations Unies pour l'Amérique latine au Chili. Signée à Santiago, le 16 février 1953**

*Texte officiel espagnol.*

*Enregistrée d'office le 22 octobre 1958.*

## [TRANSLATION — TRADUCTION]

No. 4541. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF CHILE AND THE UNITED NATIONS ECONOMIC COMMISSION FOR LATIN AMERICA REGULATING CONDITIONS FOR THE OPERATION, IN CHILE, OF THE HEADQUARTERS OF THE COMMISSION. SIGNED AT SANTIAGO, ON 16 FEBRUARY 1953

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The Government of Chile and the United Nations Economic Commission for Latin America, desiring to conclude an agreement regulating conditions for the operation, in Chile, of the Headquarters of the Commission, established under United Nations Economic and Social Council resolution 106 (VI) of 25 February 1948,<sup>2</sup> have agreed as follows :

*Article I*

## DEFINITIONS

*Section 1*

In this Agreement :

(a) The expression " the Government " means the Government of the Republic of Chile;

(b) The expression " ECLA " means the United Nations Commission for Latin America;

(c) The expression " appropriate Chilean authorities " means the national or other authorities of the Republic of Chile, in accordance with Chilean law;

(d) The expression " Executive Secretary " means the Executive Secretary of the United Nations Economic Commission for Latin America;

(e) The expression " laws of the Republic of Chile " includes legislative acts, decrees, regulations and orders, issued by the Government or the appropriate Chilean authorities;

(f) The expression " Headquarters of ECLA " means the premises occupied by ECLA;

(g) The expression " archives of ECLA " means the records, correspondence, documents, manuscripts, photographs, cinematograph films and sound recordings, belonging to or held by ECLA;

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<sup>1</sup> Came into force on 23 September 1954, upon ratification by the Government of Chile, in accordance with section 22 (a).

<sup>2</sup> United Nations, *Resolutions adopted by the Economic and Social Council during its sixth session (E/777)*, p. 4.

(h) The expression "official of ECLA" means any member of the staff of ECLA, who is employed by the United Nations;

(i) The expression "property" as used in articles IV and V means all property, including funds and assets belonging to ECLA or held or administered by ECLA in furtherance of its constitutional functions, and in general all income of ECLA.

## Article II

### IMMUNITY FROM LEGAL PROCESS

#### Section 2

The Government recognizes the immunity from legal process of the Headquarters of ECLA, which shall be under the authority and administration of ECLA, as provided in this Agreement.

#### Section 3

(a) The Headquarters of ECLA shall be inviolable.

(b) Without prejudice to the provisions of article VII, ECLA undertakes not to permit the Headquarters of ECLA to be used as a refuge by persons who are avoiding arrest under any law of the Republic of Chile, or who are required by the Government, or who are endeavouring to avoid service of legal process or a judicial proceeding.

## Article III

### COMMUNICATIONS

#### Section 4

ECLA shall enjoy, in respect of its official communications, treatment not less favourable than that accorded by the Government to any other Government or organization, including foreign diplomatic missions in Chile.

#### Section 5

ECLA shall be entitled, for its official purposes, to use the State Railways under the same conditions as may be granted to resident diplomatic missions.

#### Section 6

No censorship shall be applied to the correspondence and other communications of ECLA. This immunity shall extend, without limitation by reason of this enumeration, to printed matter, still and moving pictures, films and sound

recordings. ECLA shall have the right to use codes and to dispatch and receive its correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags. Nothing in this section may be construed to preclude the adoption of appropriate security measures to be determined by agreement between the Government and ECLA.

#### *Article IV*

#### ECLA PROPERTY AND TAXATION

##### *Section 7*

ECLA and its property, wherever situated and by whomsoever held, shall enjoy immunity from legal process, except in so far as in any particular case ECLA shall have expressly waived such immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

##### *Section 8*

The Headquarters of ECLA shall be inviolable. The property and assets of ECLA, wherever situated 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.

##### *Section 9*

The archives of ECLA, and in general all documents belonging to it or held by it, shall be inviolable.

##### *Section 10*

The assets, income and other property of ECLA shall be exempt :

(a) From all direct taxes; it is understood, however, that ECLA will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(b) From customs duties and prohibitions and restrictions on imports in respect of articles imported or exported by ECLA for its official use; it is understood, however, that articles imported under such exemption will not be sold within the country, except under conditions to be agreed later between the Government and ECLA;

(c) From customs duties and prohibitions and restrictions in respect of the import and export of its publications.

*Article V*

## FINANCIAL AND EXCHANGE FACILITIES

*Section 11*

(a) ECLA shall not be subject to any financial controls, regulations or moratoria and may freely :

- (i) Acquire negotiable currencies from authorized commercial agencies, hold them and make use of them; operate foreign currency accounts; acquire through authorized agencies, hold and use funds, securities and gold.
- (ii) Transfer funds, securities, foreign currencies and gold to or from the Republic of Chile, to or from any other country, or within the Republic of Chile.

(b) ECLA shall, in exercising its rights under this section, pay due regard to any representations made by the Government and shall give effect to such representations so far as this is possible without detriment to the interests of ECLA.

*Article VI*

## TRANSIT AND RESIDENCE

*Section 12*

(a) The appropriate Chilean authorities shall impose no impediment to transit to or from the Headquarters of ECLA of :

- (i) Officials of ECLA and their families;
- (ii) Persons, other than officials of ECLA, performing missions for ECLA, and their spouses;
- (iii) Other persons invited to the Headquarters of ECLA on official business. The Executive Secretary shall communicate the names of such persons to the Government.

(b) This section shall not apply to general interruptions of transport and shall not impair the enforcement of the laws in force.

(c) Visas which may be necessary for persons referred to in this section shall be granted without charge.

(d) This section shall not obviate the requirement of evidence to establish that persons claiming the rights granted under this section are included in the categories described in paragraph (a), or the reasonable application of quarantine and health regulations.

*Article VII*

## OFFICIALS OF ECLA

*Section 13*

Officials of ECLA shall enjoy within the territory of the Republic of Chile the following privileges and immunities :

- (a) Immunity from personal arrest or detention;
- (b) Immunity from seizure of their personal and official baggage;
- (c) Immunity from legal process of any kind in respect of words spoken or written or any act performed by them in their official capacity, such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of ECLA;
- (d) Exemption from any form of direct taxation on salaries, emoluments, and allowances paid by the United Nations;
- (e) Exemption for officials of other than Chilean nationality, from any direct taxation on income derived from sources outside the Republic of Chile;
- (f) Exemption, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (g) Freedom for officials of other than Chilean nationality to maintain, within the territory of the Republic of Chile or elsewhere, foreign securities, foreign currency accounts and movable and immovable property, and on termination of their employment by ECLA, the right to take their funds out of Chile, without any restrictions or limitations, in the currencies and in the amounts brought by them into Chile through authorized channels;
- (h) The same repatriation facilities, for themselves, their families and dependents, and the same right to protection by the Chilean authorities in time of international crisis as members of diplomatic missions;
- (i) The right to import, free of customs duties and other levies, prohibitions and restrictions on import, their furniture and effects, including one motor vehicle each, on first taking up their posts in Chile. The general regulations in force for the resident diplomatic corps shall apply to the transfer of each motor vehicle.

*Section 14*

All officials of ECLA shall be provided with a special identity card certifying that they are officials of ECLA enjoying the privileges and immunities set forth in this Agreement.

### Section 15

The Government shall accord to the Executive Secretary and other permanent senior officials of ECLA, recognized as such by the Ministry of Foreign Affairs, to the extent permitted under its constitutional precepts, the diplomatic immunities and privileges specified in Article 105, paragraph 2, of the United Nations Charter.

For this purpose, the said officials of ECLA shall be incorporated by the Ministry of Foreign Affairs into the appropriate diplomatic categories and shall enjoy the customs exemptions provided in section 1901 of the Customs Tariff.

### Section 16

(a) The privileges and immunities accorded under the provisions of this Agreement are granted in the interests of ECLA and not for the personal benefit of the individuals concerned. The Executive Secretary shall waive the immunity of any official in any case where, in his opinion, such immunity impedes the course of justice and can be waived without prejudice to the interests of ECLA.

(b) ECLA and its officials shall co-operate at all times with the Chilean authorities to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in the exercise of the privileges and immunities conferred by this Agreement.

## Article VIII

### PERSONS WHO ARE NOT OFFICIALS OF ECLA

### Section 17

Persons who, without being officials of ECLA, are members of ECLA missions or are invited by ECLA to its Headquarters for official purposes, shall enjoy the privileges and immunities specified in article VII, section 13, with the exception of the right provided in sub-paragraph (i) of that section, always provided that such persons are not of Chilean nationality.

## Article IX

### LAISSEZ-PASSER

### Section 18

The Government shall recognize and accept as a valid travel document equivalent to a passport the United Nations *laissez-passer* issued by the United Nations to officials of ECLA.

*Article X*

## GENERAL PROVISIONS

*Section 19*

(a) The Executive Secretary shall take every precaution to prevent any abuse in the exercise of the privileges and immunities conferred by this Agreement and to this end shall establish such regulations as he may deem necessary and expedient, for officials of ECLA and persons who are members of ECLA missions.

(b) Should the Government consider that an abuse has occurred in the exercise of the privileges and immunities conferred by this Agreement, the Executive Secretary shall, upon the request of the Government, consult with the appropriate Chilean authorities to determine whether such an abuse has occurred. If such consultations fail to achieve a result satisfactory to the Executive Secretary and the Government, the matter shall be settled in accordance with the procedure set out in article XI.

*Article XI*

## SUPPLEMENTARY AGREEMENTS AND SETTLEMENT OF DISPUTES

*Section 20*

(a) The Government and ECLA may enter into such supplementary agreements as may be necessary within the scope of this Agreement.

(b) The Convention on the Privileges and Immunities of the United Nations<sup>1</sup> and this Agreement shall, where they relate to the same subject matter, be treated wherever possible as complementary.

*Section 21*

Any dispute between the Government and ECLA concerning the interpretation or application of this Agreement or any supplementary agreement, or any question affecting the Headquarters of ECLA or relations between ECLA and the Government, shall be resolved in accordance with the procedure indicated in article VIII, section 30, of the Convention on the Privileges and Immunities of the United Nations.

<sup>1</sup> United Nations, *Treaty Series*, Vol. 1, pp. 15 and 263; Vol. 4, p. 461; Vol. 5, p. 413; Vol. 6, p. 433; Vol. 7, p. 353; Vol. 9, p. 398; Vol. 11, p. 406; Vol. 12, p. 416; Vol. 14, p. 490; Vol. 15, p. 442; Vol. 18, p. 382; Vol. 26, p. 396; Vol. 42, p. 354; Vol. 43, p. 335; Vol. 45, p. 318; Vol. 66, p. 346; Vol. 70, p. 266; Vol. 173, p. 369; Vol. 177, p. 324; Vol. 180, p. 296; Vol. 202, p. 320; Vol. 214, p. 348; Vol. 230, p. 427; Vol. 231, p. 347; Vol. 247, p. 384; Vol. 248, p. 358; Vol. 252, p. 308; Vol. 254, p. 404; Vol. 261, p. 373; Vol. 266, p. 363; Vol. 270, p. 372; Vol. 271, p. 382; Vol. 280, p. 346; Vol. 284, p. 361; Vol. 286, p. 329, and Vol. 308.



*Article XII**Section 22*

(a) This Agreement shall enter into force immediately after its ratification by the Government of Chile, without prejudice to the fact that the President of the Republic may provisionally put into force those of its provisions in respect of which he is granted special powers under Act No. 5142.

(b) Consultations with respect to the modification of this Agreement may be entered into at the request of the Government or of ECLA. Any such modification shall be by mutual consent.

(c) This Agreement shall be construed in the light of its primary purpose, that is to enable ECLA fully and efficiently to discharge its responsibilities and fulfil its purposes.

(d) Wherever this Agreement imposes obligations on the appropriate Chilean authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.

(e) This Agreement and any supplementary agreement entered into between the Government and ECLA within the scope of its provisions shall cease to be in force six months after either of the Contracting Parties shall have given notice in writing to the other of its decision to terminate the Agreement, except as regards those provisions which may apply to the normal cessation of the activities of ECLA in Chile and the disposal of its property in Chile.

IN WITNESS WHEREOF the Government and ECLA have signed this Agreement on 16 February 1953, in duplicate, in the Spanish language.

For the Government of Chile :

Arturo OLAVARRÍA BRAVO  
Minister of Foreign Affairs

For the United Nations Economic Commission for Latin America (ECLA) :

Raúl PREBISCH  
Executive Secretary

## EXCHANGE OF NOTES

## I

ECLA/60

23 December 1953

Your Excellency,

I have the honour to refer to the Agreement between the Government of the Republic of Chile and the United Nations Economic Commission for Latin America (ECLA) regulating conditions for the operation in Chile of the Headquarters of the Commission signed at Santiago on 16 February of this year.<sup>1</sup>

As a result of the conversations held with your Ministry regarding the scope of certain provisions of the Agreement, I have the honour to inform you that the Commission interprets the expression "officials of ECLA", defined under letter (*h*) of article I, section 1, as referring only to chiefs and other senior members of the regular international staff of ECLA.

This interpretation applies to all provisions in which the Agreement makes reference to officials of ECLA, and particularly to the cases referred to in article VII, sections 13, 14 and 15, of the Agreement.

It is understood that this interpretation is without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations ratified by Chile on 15 October 1948.<sup>2</sup>

If your Government is in agreement with this proposal, the United Nations Economic Commission for Latin America will consider this Note and your reply thereto as an agreement supplementing and clarifying the Agreement signed on 16 February 1953, to enter into force on the date of your reply.

I have the honour to be, etc.

Raúl PREBISCH  
Executive Secretary

His Excellency Monsieur Guillermo del Pedregal  
Minister of Foreign Affairs  
City

<sup>1</sup> See p. 60 of this volume.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 18, p. 382.

## II

REPUBLIC OF CHILE  
MINISTRY OF FOREIGN AFFAIRS  
POLITICAL DIRECTORATEDepartment of International Organizations and Conferences  
Secretariat OAS, Meetings and Technical Co-operation  
JHRS

No. 10450

Santiago, 29 December 1953

Sir,

I have the honour to acknowledge receipt of your note ECLA/60 of 23 December 1953 in the following terms :

[*See note I*]

In reply, I have the honour to inform you that my Government accepts the proposal made in your note ECLA/60 and, as indicated therein, your note and this reply shall be considered as constituting an agreement supplementing and clarifying the Agreement signed on 16 February 1953 between the Government of Chile and the United Nations Economic Commission for Latin America (ECLA), which shall enter into force on this day, without prejudice to the fact that it will be requested that the legislative approval sought for the Agreement of 16 February 1953 should also cover this supplementary and explanatory agreement.

I have the honour to be, etc.

(*Signed*) Guillermo DEL PEDREGAL