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No. 6092

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**INTERNATIONAL LABOUR ORGANISATION  
and  
PERU**

**Agreement concerning the privileges and immunities of a  
Field Office in Lima. Signed at Geneva, on 22 June 1960**

*Official text: Spanish.*

*Registered by the International Labour Organisation on 12 March 1962.*

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**ORGANISATION INTERNATIONALE DU TRAVAIL  
et  
PÉROU**

**Accord concernant les privilèges et immunités d'un centre  
d'action à Lima. Signé à Genève, le 22 juin 1960**

*Texte officiel espagnol.*

*Enregistré par l'Organisation internationale du Travail le 12 mars 1962.*

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

No. 6092. AGREEMENT<sup>3</sup> BETWEEN THE GOVERNMENT OF PERU AND THE INTERNATIONAL LABOUR ORGANISATION CONCERNING THE PRIVILEGES AND IMMUNITIES OF A FIELD OFFICE IN LIMA. SIGNED AT GENEVA, ON 22 JUNE 1960

The Government of the Republic of Peru, on the one hand, and  
The International Labour Organisation, on the other,

Considering that the International Labour Organisation has established a Field Office in Lima;

Desirous of concluding an Agreement to determine the privileges, immunities and exemptions which shall be granted by the Government of Peru to the International Labour Organisation, to the representatives of its Members and to its experts and officials, and anxious to resolve other related questions ;

Have agreed as follows :

*Article I*

DEFINITIONS

*Section 1*

In this Agreement :

(a) the expression “ Organisation ” means the International Labour Organisation;

(b) for the purposes of Article IV the expressions “ property and assets ”, “ funds, money, securities, gold and currency ”, “ assets, income and other property ” shall include property, assets and funds administered by the Organisation in conformity with its Constitution<sup>4</sup> and in the exercise of its constitutional functions;

(c) the expression “ representatives of Members ” shall include all delegates to the International Labour Conference, all persons who are members or deputy members of the Governing Body or other conferences, committees or meetings convened by the Organisation, and generally all representatives, alternates, advisers, technical experts and secretaries of delegations;

<sup>1</sup> Translation by the International Labour Office.

<sup>2</sup> Traduction du Bureau international du Travail.

<sup>3</sup> Came into force on 1 March 1962, upon notification by the Government of Peru to the Director-General of the International Labour Office of the ratification of the Agreement, in accordance with article X, section 29.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 15, p. 40.

(d) the expression “Members” means the Member States of the International Labour Organisation and any territory or group of territories which, without being a Member, is represented at the Conference or at other meetings convened by the Organisation and participates in their work in accordance with the Constitution of the Organisation;

(e) the expression “principal and subsidiary organs” means the International Labour Conference, the Governing Body, the International Labour Office and any subdivision of these organs established in Peru;

(f) for the purposes of Sections 4, 6, 13, 14 and 15, the expressions “freedom of meeting” and “meetings of the Organisation” include all meetings of the principal and subsidiary organs of the Organisation and all conferences and meetings held in Peru and convened by the Organisation or on its authority or under its auspices.

## *Article II*

### JURIDICAL PERSONALITY

#### *Section 2*

The Organisation shall possess juridical personality. It shall have the capacity:

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

## *Article III*

### FREEDOM OF ACTION

#### *Section 3*

The Organisation and its principal and subsidiary organs shall enjoy in Peru the independence and freedom of action appropriate for an international organisation.

#### *Section 4*

The Organisation and its principal and subsidiary organs, its Members and the representatives which these Members appoint in their relations with the Organisation, shall enjoy in Peru complete freedom to meet, deliberate and take decisions; the Government of Peru shall be informed in advance of any meeting which will be held in its territory.

*Article IV*

## PROPERTY, FUNDS AND ASSETS

*Section 5*

The Organisation, its property and assets located in Peru, by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity has been expressly waived by the Director-General of the Office. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

*Section 6*

1. The premises of the Organisation in Peru and any other premises which the Organisation may occupy in Peruvian territory for the purposes of a meeting convened by it shall be inviolable.

2. The premises and the property and assets of the Organisation, by whomsoever held, shall enjoy the privileges and immunities granted to the property of foreign States.

*Section 7*

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

*Section 8*

1. Without being restricted by financial controls, regulations or moratoria of any kind, the Organisation may :

(a) receive and hold funds, moneys, gold, currencies and securities of any kind and operate accounts in any currency;

(b) freely transfer its funds, moneys, gold, currencies and securities to any place both inside and outside Peru, and convert any currency held by it into any other currency.

2. The provisions of this section shall also apply to the Members of the Organisation in their relations with the Organisation.

*Section 9*

In exercising its rights under Section 8, the Organisation shall pay due regard to any representations made by the Government in so far as it is considered that effect can be given to such representations without detriment to the interests of the Organisation.

*Section 10*

The Organisation, its assets, income and other property shall be exempt from :

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

(b) customs duties and prohibitions and restrictions on imports and exports of property and articles imported or exported by the Organisation for its official use; it is understood, however, that the property and articles imported under such exemption will not be sold in Peruvian territory except under conditions agreed with the Government of Peru;

(c) customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

*Article V*

## FACILITIES IN RESPECT OF COMMUNICATIONS

*Section 11*

The Organisation shall enjoy in Peru for its official communications treatment not less favourable than that accorded by the Government of Peru to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio, so long as such treatment is not incompatible with the provisions of any international Convention.

*Section 12*

1. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this Section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between Peru and the Organisation.

*Article VI*

## REPRESENTATIVES OF MEMBERS

*Section 13*

Representatives of Members at the principal or subsidiary organs of the Organisation and at conferences or meetings convened by it shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities :

(a) immunity from personal arrest and detention and from seizure of their personal baggage and, in respect of words spoken or written and of acts done by them in their official capacity, immunity from legal process of every kind;

(b) inviolability for all papers and documents;

(c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in Peru;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

*Section 14*

In order to secure for the representatives of Members at meetings convened by the Organisation complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in the discharge of their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

*Section 15*

Where the incidence of any form of taxation depends upon residence in Peru, periods during which the representatives of Members are present in Peru for the discharge of their duties at meetings held by the Organisation in that country shall not be considered as periods of residence.

*Section 16*

The above-mentioned privileges and immunities are accorded to the representatives of Members not for their personal benefit but in order to safeguard the independent exercise of their functions in connection with the Organisation. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice and where it can be waived without prejudice to the purpose for which the immunity is granted.

*Article VII*

## EXPERTS ON MISSION FOR THE ORGANISATION

*Section 17*

Experts and advisers other than those falling within the terms of Section 1 (c) and other than officials coming within the scope of Articles VIII and IX respectively, who perform missions for the Organisation, shall be accorded while carrying out such missions and during the journeys in connection with such missions, the following privileges and immunities in so far as is necessary for the independent exercise of their functions :

(a) immunity from personal arrest or detention, from seizure of their personal baggage and immunity from legal process in respect of words spoken or written and acts done by them in the course of the performance of their mission; the last-mentioned immunity shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Organisation;

(b) inviolability for all papers and documents;

(c) for the purpose of their communication with the Organisation, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration and national service obligations in Peru;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions.

*Section 18*

The aforementioned privileges and immunities are granted to the experts in the interests of the Organisation and not for their personal benefit. The

Director-General of the International Labour Office shall have the right and the duty to waive the immunity of any expert in any case where in his opinion the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organisation.

*Article VIII*

OFFICIALS

*Section 19*

The Director-General of the International Labour Office shall communicate to the Government of Peru the names of the officials to which the provisions of this article and of article IX apply.

*Section 20*

1. The officials of the Organisation, without distinction of nationality, shall enjoy :

(a) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) exemption from taxation on the salaries and emoluments paid to them by the Organisation.

2. In addition, officials who are not of Peruvian nationality shall enjoy :

(a) immunity, together with their spouse and relatives dependent on them, from immigration restrictions and aliens' registration;

(b) the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions established in Peru;

(c) in time of international crisis the same repatriation facilities, together with their spouse and relatives dependent on them, as officials of comparable rank of diplomatic missions;

(d) the exemptions from customs duties provided for in Part X of Supreme Decree No. 69 of 15 February 1954 concerning the privileges granted by the Government of Peru; it is understood that the experts and officials of the Organisation shall enjoy the rights provided for in Article 73 of that Decree.

3. Officials of Peruvian nationality shall have the right to import free of duty their furniture and effects, including their motor vehicles, when they are transferred from a duty station outside Peru to a duty station in Peru.



### *Section 21*

1. The officials of the Organisation shall be exempt from national service obligations in force in Peru; this exemption shall not apply to officials of Peruvian nationality.

2. If officials of the Organisation are called up for national service, the Government of Peru shall at the request of the Director-General of the International Labour Office grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

### *Section 22*

In addition to the immunities and privileges specified in Sections 20 and 21, the Director-General, the Deputy Director-General and the Assistant Directors-General of the International Labour Office shall be accorded in respect of themselves, their spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

### *Section 23*

Local Peruvian officials engaged by the Organisation to carry out duties for it shall be exclusively subject to the Staff Regulations of the Organisation.

### *Section 24*

Privileges and immunities are granted to officials in the interests of the Organisation only and not for their personal benefit. The Director-General of the International Labour Office shall have the right and the duty to waive the immunity of any official in any case where in his opinion the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

### *Section 25*

The Organisation shall co-operate at all times with the competent authorities of the Government of Peru to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities mentioned in this Article.

## *Article IX*

### VISAS, RESIDENCE PERMITS AND UNITED NATIONS LAISSEZ-PASSER

### *Section 26*

1. The Government of Peru shall take all necessary measures to facilitate the entry into, residence in and departure from the country of all persons having official business with the Organisation, that is to say;

- (a) representatives of Members, whatever may be the relations between Peru and the said Members;
- (b) experts and advisers carrying out missions for the Organisation, whatever their nationality;
- (c) officials of the Organisation;
- (d) other persons, irrespective of nationality, summoned by the Organisation.

2. Any police regulations tending to restrict the entry of foreigners into Peru or to regulate the conditions of their residence shall not apply to the persons covered by this Section.

3. The Government of Peru will give advance general instructions to its embassies, legations and consulates abroad that, without any delay and without requiring the presence of the persons concerned or the payment of any taxes, they should grant visas to any persons requesting them who submit a valid identity and travel document and a certificate indicating that they have official business with the Organisation.

4. The provisions of this Section shall also apply to any spouse and to relatives dependent on the persons concerned, if they live with him and do not exercise any independent profession or activity.

### *Section 27*

The Government of Peru recognises and accepts the United Nations laissez-passer issued to officials of the Organisation as valid travel documents.

### *Section 28*

The Director-General, the Deputy Director-General, the Assistant Directors-General and the Director of the Field Office who visit the country on official mission shall enjoy the same facilities for travel as are accorded to the heads of diplomatic missions.

## *Article X*

### FINAL PROVISIONS

### *Section 29*

This Agreement shall enter into force as soon as the Government of Peru has communicated to the Director-General of the International Labour Office the ratification thereof in conformity with constitutional practice.

*Section 30*

This Agreement may be revised at the instance of either of the parties. In this event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding within one year, the Agreement may be denounced by either party giving two years' notice. Denunciation may be notified to the Government of Peru in the person of its representative to the Organisation, and to the Organisation in the person of the Director-General of the International Labour Office.

IN WITNESS WHEREOF the undersigned duly authorized for this purpose have signed three copies of the present Agreement in Geneva on the twenty-second day of June 1960.

For the International  
Labour Organisation :  
(*Signed*) David A. MORSE  
Director-General

For the Government  
of the Republic of Peru :  
(*Signed*) Luis ALVARADO G.  
Minister of Labour and  
Indigenous Affairs