

No. 7259

**INTERNATIONAL CIVIL AVIATION
ORGANIZATION
and
MEXICO**

**Agreement relating to the Regional Office of the ICAO for
North America and the Caribbean in Mexico City
(with exchange of notes). Signed at Montreal,
on 20 December 1956**

Official text: Spanish

Registered by the International Civil Aviation Organization on 8 June 1964.

**ORGANISATION DE L'AVIATION CIVILE
INTERNATIONALE
et
MEXIQUE**

**Accord relatif à l'établissement à Mexico (D. F.) du Bureau
régional de l'OACI pour l'Amérique du Nord et les
Caraïbes (avec échange de notes). Signé à Montréal,
le 20 décembre 1956**

Texte officiel espagnol.

Enregistré par l'Organisation de l'aviation civile internationale le 8 juin 1964.

[TRANSLATION¹ — TRADUCTION²]

No. 7259. AGREEMENT³ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF MEXICO AND THE INTERNATIONAL CIVIL AVIATION ORGANIZATION RELATING TO THAT ORGANIZATION'S REGIONAL OFFICE FOR NORTH AMERICA AND THE CARIBBEAN IN MEXICO CITY. SIGNED AT MONTREAL, ON 20 DECEMBER 1956

The Government of the United States of Mexico (hereinafter called the "Government") and the International Civil Aviation Organization (hereinafter called the "Organization"), desiring that the Organization's Regional Office for North America and the Caribbean be established in Mexico City, and for the purpose of facilitating the operation of the said office, have agreed as follows :

Article I

LEGAL PERSONALITY

Section 1

The Organization shall possess juridical personality and shall have the capacity to act, in particular :

- (a) to contract ;
- (b) to acquire and dispose of movable and immovable property (in accordance with the provisions of Article 27 of the Constitution of the United States of Mexico) ;
- (c) to institute legal proceedings.

Article II

PREMISES

Section 2

The Government shall provide the Organization with offices and suitable electricity, water and cleaning services, the conditions of occupancy to be determined by mutual agreement.

¹ Translation by the International Civil Aviation Organization.

² Traduction de l'Organisation de l'aviation civile internationale.

³ Came into force on 20 December 1956, upon signature, in accordance with Article IV, Section 19.

Article III

EXEMPTIONS, IMMUNITIES AND PRIVILEGES

Section 3

The Organization, the representatives of its member States and the officials of the Organization in Mexico shall enjoy the exemptions, immunities and privileges specified in the following sections of this Article.

Section 4

The Organization, its immovable and movable property and its assets shall enjoy in Mexico immunity from legal and administrative procedures, except in those cases where this immunity is expressly waived by the Secretary General of the Organization.

Section 5

The offices, premises, archives and documents of the Organization shall be inviolable.

Section 6

The Organization, its immovable and movable property and its assets shall be exempt from :

- (a) all fiscal taxes, it being understood, however, that no exemption can be claimed from taxes which are, in fact, charges for public utility services ;
- (b) customs duties, prohibitions and restrictions on the provision of articles or working supplies which it imports or exports for its official use. It is understood, however, that articles imported free of duty will not be sold except under conditions agreed with the Government ;
- (c) customs duties, prohibitions and restrictions on import and export of its publications, photographs, films and gramophone records.

Section 7

Without being subject to any fiscal orders, regulations or moratoria, the Organization :

- (a) may receive and hold funds, securities and currency of any kind and operate its accounts in any currency ; and
- (b) shall be free to transfer its funds within Mexico or out of Mexico for the purpose of converting any currency held by it into any other currency.

Section 8

1) The Organization shall enjoy in Mexico, for its official communications, treatment not less favourable than that accorded by the Government to any other Government, including its diplomatic missions, in the matter of priorities, rates and charges for mail, cables, telegrams, radiograms, telephone and other communications.

2) No censorship shall be applied to the official correspondence or other communications of the Organization. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, films and sound recordings.

3) The Organization shall have the right to use codes and to despatch and receive official correspondence and without limitation by reason of this enumeration, publications, documents, still and moving pictures, films and sound recordings, either by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.

Section 9

1) The officials and experts of the Organization shall :

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

(b) be exempt from taxation on the salaries and emoluments paid to them by the Organization.

2) Moreover, those who are not of Mexican nationality shall :

(a) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration ;

(b) enjoy immunity from any compulsory national service ;

(c) be accorded the same privileges in respect of exchange facilities as are enjoyed by members of the Diplomatic Corps ;

(d) be able to import and export, free of duty, their furniture and personal effects and be authorized to have temporary entry of their automobile, such authorization to be extended for the duration of their stay in Mexico, while they are acting in their official capacity ;

(e) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of diplomatic missions.

3) In respect of any movable property of an official or expert of the Organization, who is not of Mexican nationality, the Government shall not levy any tax or duty in connection with succession to or the death of such official or expert and shall

make no impediment to the repatriation of such property free of all taxes and duties.

Section 10

The Government shall recognize and accept as a valid travel document the United Nations laissez-passer issued to the officials of the Organization under administrative arrangements concluded between the President of the Council of the Organization and the Secretary-General of the United Nations. Applications for visas from holders of United Nations laissez-passer shall be attended to with customary diligence.

Section 11

In addition to the immunities and privileges specified in this Article, the President of the Council, the Secretary General, the Assistant Secretaries General, the Head of the Regional Office and his Deputy shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded in accordance with international law and usage.

Section 12

These exemptions, immunities and privileges are granted to the international officials and experts of the Organization, solely in the interests of the latter. The Secretary General of the Organization shall therefore waive the exemptions, immunities and privileges of any international official or expert in any case where, in the opinion of the Secretary General, the application of such exemptions, immunities and privileges would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Section 13

The Secretary General of the Organization or his duly authorized representative shall communicate to the Government the names of the officials and experts of the Organization to whom the benefits enumerated in Section 9 are to be extended under the present Agreement.

Section 14

In order to avoid the occurrence of abuses in connection with the exemptions, immunities and privileges mentioned in this Agreement, the Organization shall co-operate with the appropriate authorities, in order to facilitate the proper administration of justice and to secure the observance of police regulations.

Section 15

In exercising the rights granted in this Article, the Organization shall pay due attention to any complaint which the Government may make. It shall also make provision for appropriate modes of settlement of :

- (a) disputes arising out of contracts or other questions of private law to which the Organization is a party, and
- (b) disputes involving any representative or official of the Organization, in respect of whom the Secretary General has not waived such immunity in accordance with Section 12.

Section 16

The representatives of the States members of the Organization who in the discharge of their official functions have to enter Mexican territory, shall enjoy for the duration of their functions the privileges and immunities granted by the Government to members of diplomatic missions.

Section 17

Privileges and immunities are accorded to the representatives of States members of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Organization. Consequently, a State member of the Organization not only has the right, but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the member, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded. In any such case in which one of the persons designated to serve on it is concerned, the Council of the Organization shall be under the same duty.

Section 18

The Organization will as far as possible communicate in advance to the Government a list of the representatives invited to its conferences or meetings.

Article IV

DURATION, INTERPRETATION AND TERMINATION OF THE AGREEMENT

Section 19

The present Agreement shall enter into force at the time of its signature by the duly authorized representatives of the Government and of the Organization.

Section 20

Any difference between the Organization and the Government arising out of the interpretation or application of the present Agreement or of any supplementary arrangement or agreement which is not settled by negotiations shall be submitted for decision to a board of three arbitrators: the first to be appointed by the Government, the second by the Secretary General, and the third, the presiding arbitrator,

by the President of the International Court of Justice, unless in any specific case the parties hereto agree to resort to a different mode of settlement.

Section 21

The present Agreement shall be interpreted in the light of its primary purpose to enable the Organization to discharge fully and efficiently its responsibilities and to fulfil its objectives.

Section 22

The present Agreement and any supplementary agreements or arrangements concluded in implementation thereof may be amended by agreement between the Government and the Organization and each of the Parties shall study carefully and in a favourable spirit any request for amendment made by the other Party.

Section 23

Both the Government and the Organization may terminate the present Agreement by giving notice in writing to the other Party and the Agreement shall cease to be in force one year after the date of receipt of such notification. Termination of the Agreement shall be considered, as regards both the Government and the Organization, as including termination of any supplementary agreements or arrangements concluded between the Government and the Organization.

IN WITNESS WHEREOF, the undersigned, being duly authorized representatives of the Government and of the Organization, respectively, have signed the present Agreement, on behalf of the parties thereto, in Montreal, on 20 December 1956 in two copies, in Spanish, of which one copy was handed to the representative of the Government of the United States of Mexico, and the other to the President of the Council of the International Civil Aviation Organization.

For the Government
of the United States of Mexico :

Enrique M. LOAEZA

For the International
Civil Aviation Organization :

Edward WARNER

EXCHANGE OF NOTES

I

INTERNATIONAL CIVIL AVIATION ORGANIZATION
MONTREAL, CANADA

Ref. A 11/4.10

20 December 1956

Sir,

I have the honour to inform you that, since Section 11 of the Agreement¹ between the Government of the United States of Mexico and the International Civil Aviation Organization relating to that Organization's Regional Office for North America and the Caribbean in Mexico City, does not define clearly the privileges and immunities, exemptions and facilities accorded (in addition to the immunities and privileges specified in other Sections of Article III), in accordance with international law and usage, to the President of the Council, the Secretary General, the Assistant Secretaries General, the Head of the Regional Office and his Deputy, their spouses and minor children, it is desirable to specify that the interpretation to be given to the aforesaid Section 11 is to the effect that, without thereby necessarily implying correspondence with diplomatic envoys, such prerogatives will be similar to those ordinarily accorded to such diplomatic envoys in accordance with international law and usage.

I should be most grateful if you would be kind enough to let me know if your Government agrees with this interpretation.

I have the honour to be, Sir,
Your obedient Servant,

Edward WARNER
President of the Council

The Representative of the Government
of the United States of Mexico
Montreal

¹ See p. 12 of this volume.

II

DELEGATION OF MEXICO TO THE COUNCIL OF THE INTERNATIONAL
CIVIL AVIATION ORGANIZATION
MONTREAL, CANADA

20 December 1956

Sir,

I have the honour to acknowledge receipt of your Note of 20 December 1956 relating to the interpretation to be given to Section 11 of the Agreement between the Government of the United States of Mexico and the International Civil Aviation Organization relating to that Organization's Regional Office for North America and the Caribbean in Mexico City.

I have the pleasure of informing you that my Government agrees with the interpretation proposed in your aforementioned Note to the effect that, without thereby necessarily implying a correspondence with diplomatic envoys, the privileges, immunities, exemptions and facilities that will be accorded in accordance with international law and usage (in addition to the immunities and privileges specified in other Sections of Article III) to the President of the Council, the Secretary General, the Assistant Secretaries General, the Head of the Regional Office and his Deputy, their spouses and minor children, will be similar to those ordinarily accorded to diplomatic envoys in accordance with international law and usage.

I have the honour to be, Sir,

Your obedient Servant,

E. M. LOAEZA

Dr. Edward Warner
President of the Council of ICAO
Montreal