

No. 10564

MEXICO
and
AGENCY FOR THE PROHIBITION OF
NUCLEAR WEAPONS IN LATIN AMERICA

**Agreement concerning the Agency's Headquarters. Signed at
Mexico, D.F., on 12 January 1970**

Authentic text: Spanish.

Registered by Mexico on 26 June 1970.

MEXIQUE
et
ORGANISME POUR L'INTERDICTION
DES ARMES NUCLÉAIRES EN AMÉRIQUE LATINE

**Accord relatif au siège de l'Organisme. Signé à Mexico (D. F.)
le 12 janvier 1970**

Texte authentique: espagnol.

Enregistré par le Mexique le 26 juin 1970.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED MEXICAN STATES AND THE AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (OPANAL) CONCERNING THE AGENCY'S HEADQUARTERS

The Contracting Parties,

Whereas on 12 February 1967 the States members of the Preparatory Commission for the Denuclearization of Latin America unanimously adopted the Treaty for the Prohibition of Nuclear Weapons in Latin America (the Tlatelolco Treaty), hereinafter referred to as "the Treaty",

Whereas the Government of the United Mexican States, hereinafter referred to as "the Government", signed the Treaty on 14 February 1967² and on 20 September 1967 deposited its instrument of ratification and the declaration referred to in article 28, paragraph 2, of the Treaty;

Whereas, in article 7, paragraph 1, of the Treaty, of which the Government is the depositary, the Contracting Parties decided to establish an international agency called the "Agency for the Prohibition of Nuclear Weapons in Latin America", hereinafter referred to as "the Agency", and

Whereas the Government and the Agency have expressed the desire to conclude an agreement concerning the Agency's headquarters which, in accordance with article 7, paragraph 4, of the Treaty, has been established at Mexico City, have agreed as follows:

CHAPTER I

JURIDICAL PERSONALITY

Article 1

1. The Government recognizes the Agency's juridical personality and, in particular, its capacity to perform any act or enter into any contract permitted by law and to take part in any legal or administrative action in defence of its interests.

¹ Came into force on 12 January 1970 by signature, in accordance with article 7, paragraph 1.

² United Nations, *Treaty Series*, vol. 634, p. 281.

2. The Government recognizes the Agency's right under the Treaty to convene meetings at its headquarters or, in consultation with the Government, anywhere else in Mexican territory.

CHAPTER II

PROPERTY

Article 2

1. The Organization and its property shall enjoy immunity from legal process, except in so far as in any particular case the Agency has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.
2. The premises of the Agency and its archives shall be inviolable and its official correspondence and communications shall not be subject to any censorship.
3. The Agency may freely hold funds or currency of any kind and operate accounts in any currency; it may freely transfer these funds or currency from Mexico to other countries and vice versa and within the territory of Mexico, and convert any currency held by it into any other currency.
4. The Agency and its property shall be exempt:
 - (a) From taxes, it being understood, however, that it 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 and exports in respect of articles imported or exported by the Agency for its official use, it being understood, however, that articles imported under such exemption will not be sold in Mexican territory except under conditions agreed to with the Government;
 - (c) From customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

CHAPTER III

REPRESENTATIVES OF MEMBER STATES

Article 3

1. The representatives, alternate representatives and advisers of the States members of the Agency who are not of Mexican nationality shall, while exercising

their functions and during their journeys in connexion with their missions, enjoy the following privileges and immunities:

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage and immunity from legal process of every kind in respect of all acts performed, including their oral and written statements;
- (b) Inviolability for all papers and documents;
- (c) The right to use codes and to send and receive documents or correspondence by courier or in sealed bags.
- (d) Immunity for themselves, their spouses and members of their families from immigration and emigration restrictions, alien registration formalities and national service obligations in Mexican territory;
- (e) The same exemptions in respect of currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;
- (f) The same immunities and exemptions in respect of personal baggage as are accorded to members of diplomatic missions of comparable rank;
- (g) All other privileges, immunities and exemptions enjoyed by members of diplomatic missions of comparable rank but they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from indirect taxes or sales taxes.

2. The privileges and immunities enumerated in the foregoing paragraph are accorded to the representatives not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Agency. Consequently, every member State of the Agency not only has the right but the 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.

CHAPTER IV

OFFICIALS

Article 4

1. Officials of the Agency who are not of Mexican nationality shall, while exercising their functions, enjoy the following privileges and immunities:

- (a) They shall be immune from legal process of every kind in respect of words written or spoken and all acts performed by them in their official capacity;
- (b) They shall be exempt from taxation on the salaries and emoluments paid to them by the Agency;
- (c) They shall be immune from national service obligations of any kind;
- (d) They shall be immune, together with their spouses and minor children, from immigration and emigration restrictions and alien registration;
- (e) They shall be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable rank forming part of diplomatic missions;
- (f) They shall be given, together with their spouses and minor children, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (g) They shall be able to import free of duty their furniture and effects upon first entering the country to take up their posts.

2. Privileges and immunities are granted to officials in the interest of the Agency and not for the personal benefit of the individuals themselves. The General Secretary 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 Agency.

CHAPTER V

INSPECTORS AND EXPERTS ON MISSIONS FOR THE AGENCY

Article 5

1. Inspectors and experts performing missions for the Agency shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connexion with their missions. In particular they shall be accorded:

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage;

- (b) In respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Agency;
- (c) Inviolability for all papers and documents;
- (d) For the purposes of communicating with the Agency, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) The same facilities in respect of currency or exchange regulations 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 diplomatic envoys;
- (g) Immunity, together with their spouses and minor children, from immigration and emigration restrictions and alien registration.

2. Privileges and immunities shall be granted to inspectors and experts in the interests of the Agency and not for the personal benefit of the individuals themselves. The General Secretary of the Agency shall have the right and the duty to waive the immunity of any inspector or 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 Agency.

CHAPTER VI

SETTLEMENT OF DISPUTES

Article 6

1. The Agency shall co-operate at all times with the competent Government authorities to facilitate the proper administration of justice, ensure compliance with police regulations and prevent abuses in respect of the privileges, immunities and exemptions referred to in the present Agreement.
2. The Agency shall make provisions for appropriate modes of settlement of:
 - (a) Disputes arising out of contracts or other disputes of a private law character, to which the Agency is a party;
 - (b) Disputes involving any official of the Agency who by reason of his official position enjoys immunity, if immunity has not been waived by the General Secretary of the Agency.

3. Any difference between the Government and the Agency arising out of the interpretation or application of the present Agreement or of any complementary or 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 General Secretary of the Agency, 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.

CHAPTER VII

FINAL PROVISIONS

Article 7

1. The present Agreement shall enter into force on the date of its signature by the Government and the Agency.
2. The present Agreement shall be interpreted in the light of its primary purpose, namely, to enable the Agency to fulfil its obligations under the Treaty.
3. The present Agreement may be amended after consultations requested by either the Government or the Agency. Any amendment must be adopted by common agreement.
4. Either party may terminate this Agreement by giving one year's notice in writing to the other.

In WITNESS WHEREOF the undersigned, duly authorized for the purpose, have signed the present Agreement in two copies at Mexico City this 12th day of January 1970.

For the Government
of the United Mexican States:

Antonio CARRILLO FLORES
Secretary of Foreign Affairs

For the Agency for
the Prohibition of Nuclear Weapons
in Latin America:

Carlos PEÓN DEL VALLE
Acting General Secretary