

No. 11903

**BRAZIL
and
INTER-AMERICAN INSTITUTE
OF AGRICULTURAL SCIENCES**

**Basic Agreement concerning privileges and immunities of
the Institute. Signed at Brasília on 2 March 1970**

Authentic text: Portuguese.

Registered by Brazil on 27 July 1972.

**BRÉSIL
et
INSTITUT INTERAMÉRICAIN
DES SCIENCES AGRICOLES**

**Accord de base relatif aux privilèges et immunités de
l'Institut. Signé à Brasília le 2 mars 1970**

Texte authentique : portugais.

Enregistré par le Brésil le 27 juillet 1972.

[TRANSLATION — TRADUCTION]

BASIC AGREEMENT¹ BETWEEN THE GOVERNMENT OF
BRAZIL AND THE INTER-AMERICAN INSTITUTE OF
AGRICULTURAL SCIENCES CONCERNING PRIVILEGES
AND IMMUNITIES OF THE INSTITUTE

Considering:

That Brazil is a party to the Convention on the Inter-American Institute of Agricultural Sciences, which was opened for signature at the Pan American Union on 15 January 1944² and which recognizes the Institute as a legal entity;

That the aim of the Inter-American Institute of Agricultural Sciences is to encourage and advance the development of agricultural sciences in the American States through research, teaching and extension activities in the theory and practice of agriculture and related arts and sciences;

That, for these purposes, the Inter-American Institute of Agricultural Sciences will maintain official representation in Brazil and draw up programmes of activities for rural development for approval by the Board of Directors of the Institute;

That the teaching, research and advisory activities embodied in the aforementioned programmes or any others that may be established by the Institute will be carried out in co-operation with the competent Brazilian agencies;

That, in accordance with the provisions of article 105 of the Charter of the Organization of American States,³ it is desirable, with a view to facilitating the realization of the above-mentioned objectives, to conclude an agreement establishing the facilities, privileges and immunities to be granted to the Institute in Brazil;

That the Director-General of the Institute was authorized by the Board of Directors of the Institute, in a decision adopted at its meeting held at the Pan American Union in Washington, D.C., on 3 February 1965, to negotiate this Basic Agreement with the Brazilian Government;

The Government of the Federative Republic of Brazil, hereinafter referred to as "the Government", represented by Ambassador Mario Gibson Barboza, Minister of State for Foreign Affairs, and the Inter-American Institute of Agricultural Sciences of the Organization of American States,

¹ Came into force on 17 October 1970, i.e. 30 days after notification by the competent authorities of the completion of their legal formalities, in accordance with article 20.

² United Nations, *Treaty Series*, vol. 161, p. 281.

³ *Ibid.*, vol. 119, p. 3.

hereinafter referred to as "the Institute", represented by Mr. José Emílio Araujo, its Director-General,

Have agreed as follows:

SECTION I

LEGAL PERSONALITY OF THE ORGANIZATION

Article 1

The Institute is an Inter-American Specialized Organization established by States Members of the Organization of American States and is, in conformity with chapter XV of the Charter of the Organization of American States, endowed with legal personality.

Article 2

The Institute shall, through its Regional Office, Southern Zone, and its official representation in Brazil, carry out the requisite programmes and activities for due implementation of this Agreement. Such activities may be part of the Institute's regular programmes, be projects financed from the annual quotas of Member States, or be part of OAS Technical Co-operation Programme projects for which the Institute is the co-operating agency or of responsibilities undertaken by virtue of contracts signed or donations received.

Article 3

Operational agreements concluded by the Government and the Institute for the purposes of satisfactory implementation of this Agreement shall meet the following basic requirements:

1. Operational agreements may be concluded for periods of 4 (four) years, and shall specify the manner in which they may be extended or renewed.
2. Each agreement shall specify the contributions and facilities agreed on in each case by the Brazilian Government and the Institute, and the obligations of each of the Contracting Parties.

SECTION II

PRIVILEGES AND IMMUNITIES OF THE INSTITUTE

Article 4

The Institute may lease, acquire and dispose of movable property and may acquire immovable property as premises for its representation in Brazil.

Article 5

The premises, property and records of the Institute shall be inviolable and shall not be liable to expropriation, requisition or any other form of administrative, legislative or judicial restraint.

Article 6

The Institute shall enjoy complete immunity from the jurisdiction of Brazilian courts and no proceedings may be brought against it, except when it expressly waives such immunity.

Article 7

The Institute shall:

- (a) Be exempt from any direct taxes, on the understanding, however, that it may not claim exemption from taxation which constitutes payment for public services;
- (b) Be exempt from customs duties on articles imported or exported for official use. Articles imported free of duty shall be sold in Brazil only in accordance with such conditions as may be agreed upon with the Government;
- (c) Be exempt from customs duties, prohibitions or restrictions on the import or export of its publications.

Article 8

The Institute may hold funds and maintain accounts in any currency and convert them into other currencies. It may also transfer foreign exchange from one State to another or within the territory of any State. In exercising these rights, the Institute shall, without prejudice to its interests, pay due regard to any observations made by the Government.

Article 9

In Brazil the Institute shall be granted, for its official communications, treatment as favourable as that granted to diplomatic missions in respect of priorities, charges, surcharges and taxes.

SECTION III

PRIVILEGES AND IMMUNITIES OF PERSONNEL

Article 10

All officials of the Institute, whether permanent or temporary, shall enjoy immunity from civil or criminal prosecution in Brazil for acts carried out in the performance of their duties.

Article 11

Officials of the Institute shall also enjoy the following privileges:

- (a) they shall be exempt from taxation on wages or salaries paid by the Institute;
- (b) neither they nor their wives and minor children shall be subject to any immigration restrictions;
- (c) they shall, in respect of international transfers of funds, be granted the same exemptions as are enjoyed by officials of equivalent rank serving in foreign diplomatic missions accredited to the Government;
- (d) in time of international crisis they and their wives and children shall be granted the same facilities for repatriation as are granted to diplomatic personnel;
- (e) they may import their household and personal effects free of duty on taking up their duties in Brazil;
- (f) they shall be exempt from any form of national service.

Article 12

The privileges and immunities referred to in the preceding articles shall not apply to officials of the Institute who are of Brazilian nationality.

Article 13

The Institute shall waive immunity from prosecution in respect of employees or officials in the subsidiary grade, to whom Brazilian labour legislation shall apply.

Article 14

In addition to the privileges and immunities specified in the preceding articles, the Director-General, the Deputy Director and the Regional Director, Southern Zone, and their wives and children, shall be granted the privileges and immunities, exemptions and facilities that are accorded to diplomatic envoys under international law.

Article 15

The Director-General of the Institute or his authorized representative shall communicate the names of officials of the Institute who are to enjoy the immunities and privileges specified in the preceding articles.

Article 16

The Government shall facilitate the securing of visas for officials of the Institute and any persons designated by the Institute to take part in symposia, conferences, seminars and the like, or to review the progress of its programmes in Brazil.

SECTION IV

NATURE OF THE PRIVILEGES AND IMMUNITIES

Article 17

The privileges and immunities shall be granted to officials of the Institute exclusively in the interest of that body. Consequently, the Institute shall waive the immunity of any of its officials when it considers that that privilege is obstructing the course of justice and it can be waived without adversely affecting the Institute.

Article 18

The Institute shall, when requested, co-operate with the competent Brazilian authorities with a view to facilitating the administration of justice and shall prevent any abuses of the privileges and immunities referred to in this Agreement.

SECTION V

FINAL PROVISIONS

Article 19

Any amendment to this Agreement shall require the approval of the Contracting Parties, which shall hold prior consultations.

Article 20

This Agreement shall be ratified by the competent authorities and shall enter into force thirty days after notification of completion of their legal formalities.

Article 21

This Agreement may be terminated at any time upon written notice and it shall cease to have effect six months after the date of receipt of the notice of termination.

IN WITNESS WHEREOF the aforementioned representatives have signed this Agreement.

DONE in the city of Brasília, on 2 March 1970.

For the Government
of the Federative Republic
of Brazil :

MARIO GIBSON BARBOZA

For the Inter-American Institute
of Agricultural Sciences :

JOSÉ EMÍLIO DE ARAUJO