

No. 21291

BRAZIL
and
LATIN AMERICAN ECONOMIC SYSTEM

Agreement on the granting of privileges and immunities to the Secretariat of the Action Committee on the Establishment of the Latin American Network for Technological Information. Signed at Caracas on 3 February 1981

Authentic text: Portuguese.

Registered by Brazil on 29 October 1982.

BRÉSIL
et
SYSTÈME ÉCONOMIQUE LATINO-AMÉRICAIN

Accord sur l'octroi de privilèges et immunités au Secrétariat du Comité d'action portant création du Réseau latino-américain pour l'information technologique. Signé à Caracas le 3 février 1981

Texte authentique : portugais.

Enregistré par le Brésil le 29 octobre 1982.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL AND THE LATIN AMERICAN ECONOMIC SYSTEM ON THE GRANTING OF PRIVILEGES AND IMMUNITIES TO THE SECRETARIAT OF THE ACTION COMMITTEE ON THE ESTABLISHMENT OF THE LATIN AMERICAN NETWORK FOR TECHNOLOGICAL INFORMATION

The Government of the Federative Republic of Brazil (hereinafter referred to as "the Government") and the Latin American Economic System² (hereinafter referred to as SELA).

With a view to granting to the members and staff of the Action Committee on the Establishment of the Latin American Network for Technological Information (the latter hereinafter referred to as RITLA) the facilities necessary for optimum performance of their functions, have decided to conclude the following Agreement:

CHAPTER I. ACTION COMMITTEE

Article I

The Action Committee of RITLA shall have legal capacity throughout the territory of the Federative Republic of Brazil and shall enjoy the privileges and immunities necessary for the performance of its functions and the achievement of its objectives as an international agency, as provided for in this Agreement.

Article II

The Action Committee of RITLA and its property, archives, funds and assets shall enjoy immunity from all forms of legal proceedings in the Federative Republic of Brazil. The Secretary of the Action Committee may, on its behalf, waive such immunity in writing. It is understood, however, that no waiver of immunity shall extend to any measure of execution, except when the Action Committee institutes judicial proceedings, in which case it shall be subject to the applicable Brazilian laws.

Article III

The premises of the Action Committee and its archives and documents shall be inviolable, wherever they may be or whoever the person in whose keeping they may be. The premises and property of the Action Committee shall therefore be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

¹ Came into force on 3 August 1982, the date on which the Economic System for Latin America had acknowledged receipt of the notification by the Brazilian Government of the completion of the required constitutional procedures, in accordance with article XXIV.

² See "Panama Convention establishing the Latin American Economic System (SELA), concluded at Panama (City) on 17 October 1975" on p. 309 of this volume.

Article IV

The premises of the Action Committee may not be used as a place of asylum.

Article V

The Action Committee may hold funds in any currency, freely transfer them to Brazilian territory or abroad and convert resources in its possession into any currency.

Article VI

In Brazilian territory, the Action Committee and its property shall be exempt from:

- (a) All direct taxes; it is understood that the Action Committee will not claim exemption from indirect duties and taxes that are normally included in the price of goods or services;
- (b) Customs duties and prohibitions and restrictions on the import and export of articles imported or exported by the Committee for its official use; it is understood, however, that articles imported under such exemption will not be sold in Brazilian territory except on conditions agreed upon with the Government;
- (c) Duties, prohibitions and restrictions on the import and export of its official publications.

Article VII

The property, funds, income, grants and other assets and transactions of the Action Committee shall be exempt from full or partial payment of any form of taxation, in accordance with the legal and constitutional provisions in force, and specifically from taxes on:

- (a) Movable or immovable property or its value, and the purchase and sale of movable or immovable property required for the headquarters of the Committee;
- (b) Licences for the official vehicles of the Committee.

For these purposes, the submission by the Secretary of the Action Committee of the relevant application to the Ministry of Foreign Affairs shall be sufficient.

Article VIII

In Brazil, the Action Committee shall enjoy for its official communications treatment not less favourable than that accorded by the Government to a diplomatic mission in the matter of priorities, tariffs and taxes on correspondence, cables, telegrams, radiotelegrams and other means of communication.

Article IX

The Secretariat of the Committee shall have the right to use codes and to dispatch and receive correspondence by special messenger or in sealed bags, which messenger and bags shall have the same immunities and privileges as diplomatic couriers and bags.

Article X

The privileges, immunities and exemptions referred to in this Chapter shall be granted to the Action Committee exclusively for the accomplishment of its own objectives.

CHAPTER II. THE SECRETARY OF THE ACTION COMMITTEE

Article XI

The Secretary of the Action Committee shall, if he is not of Brazilian nationality, enjoy, in addition to the privileges and immunities set forth in article XV:

- (a) The privilege of importing a vehicle of any origin free of customs duties or, alternatively, of being exempt from tax on the purchase of a vehicle of Brazilian manufacture, with the option in either case of replacing the vehicle every two years, the transfer of ownership being governed by the Brazilian regulations applicable to similar cases;
- (b) Applicability of the benefits mentioned in article XV *d*) throughout the period of his residence in Brazil.

Article XII

If he is of Brazilian nationality, the Secretary shall enjoy the privileges provided for in article XV, sole paragraph.

Article XIII

The Secretary of the Action Committee, as its legal representative, may execute in Brazil the legal instruments necessary for the functioning of the Action Committee of RITLA in accordance with its statute and rules of procedure.

CHAPTER III. GOVERNMENT REPRESENTATIVES AND STAFF

Article XIV

The government representatives of SELA and staff members of the Permanent Secretariat shall, when they are in the territory of the Federative Republic of Brazil in order to perform a temporary assignment, enjoy the following privileges and immunities:

- (a) Immunity from arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of kind;
- (b) Inviolability of all papers and documents;
- (c) The same facilities in respect of currency and exchange restrictions as are accorded to representatives of foreign governments on temporary official assignments;
- (d) The same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions of comparable rank.

The Government shall not grant these privileges and immunities to its nationals or to persons representing it in the Action Committee.

Article XV

Staff members of the Secretariat of the Action Committee of executive, technical and administrative rank who are not Brazilian nationals or permanently resident in Brazil shall enjoy:

- (a) Immunity from all legal process in respect of words spoken or written and all acts performed in their official capacity;
- (b) Exemption from taxes, including income tax, on salaries and emoluments paid to them by SELA;
- (c) Exemption from immigration restrictions and alien registration, privileges that shall be granted also to members of their families dependent on them and residing with them;
- (d) The right, at the time when they first take up residence, to bring with them and import into Brazil free of duties and charges their household and personal effects and to remove them when their assignment has ended, in accordance with the regulations applicable in Brazil to staff members of diplomatic missions of comparable rank;
- (e) The same privileges with regard to exchange facilities as are accorded to staff members of diplomatic missions of comparable rank, under such arrangements as may be made by the Ministry of Foreign Affairs of the Federative Republic of Brazil;
- (f) Inviolability of their papers and documents.

Sole paragraph. Staff members of executive, technical and administrative rank who are Brazilian citizens or aliens residing permanently in Brazil shall enjoy only the privileges and immunities provided for in subparagraphs (a), (b) and (f). With regard to subparagraph (f), it is understood that inviolability applies only to official papers and documents in their possession.

Article XVI

The privileges and immunities granted in the preceding articles shall be granted exclusively in the interest of the Action Committee, and not for the personal advantage of the beneficiaries. Those privileges and immunities may, consequently, be waived by SELA in respect of the staff of the Action Committee and by the Governments of the member States in respect of government representatives, and the waiver shall in both cases include the families of the persons concerned.

CHAPTER IV. GENERAL PROVISIONS

Article XVII

The Ministry of Foreign Relations of Brazil shall issue to staff members of the Secretariat of the Action Committee an identity document attesting to their employment and specifying the nature of their functions.

Article XVIII

1. Before appointing the Secretary of the Action Committee and the experts who will be responsible at the Committee's headquarters for carrying out activities directly involving the host country, SELA shall have the necessary

prior consultations with the Government of Brazil and shall communicate to it the name(s) of the candidate(s), together with the *curriculum vitae* of each one.

2. The foregoing requirement shall be waived for experts who perform functions at the headquarters of the Committee for stated periods in connection with the preparation of projects of a regional nature.

3. In all cases, SELA shall in due course communicate to the Brazilian Government the dates on which they take up and complete their duties, together with information on the dependents that are to reside with them during their stay in Brazil.

Article XIX

The Action Committee undertakes to take adequate measures to settle any disputes involving a staff member enjoying immunities by virtue of this Agreement. Should a staff member of SELA be proven to have committed any abuse of the privileges and immunities granted to him by this Agreement, the Permanent Secretariat shall waive the immunities of that staff member and take appropriate measures. It is understood, moreover, that immunity shall be suspended in respect of civil action instituted by a third party for damages resulting from an accident caused by a motor vehicle or other means of transport belonging to or driven by any staff member of the Action Committee, or in respect of a traffic offence involving such vehicle committed by them.

Article XX

The conditions of service and social benefits applicable to the staff of the Committee's Secretariat shall be those laid down by the Committee in its staff regulations, drawn up in accordance with the statute of the Action Committee on the Establishment of RITLA, signed on 1 August 1979. Brazilian staff members shall, however, be guaranteed benefits inferior in no case to those provided for in the relevant Brazilian legislation.

Article XXI

Any disagreement regarding the application or interpretation of this Agreement shall be submitted for settlement by the procedure established, by agreement, by the Government and SELA.

Article XXII

This Agreement may be amended by agreement between the Parties through protocols which shall enter into force in the manner laid down in article XXIV.

Article XXIII

The Contracting Parties may by an exchange of notes conclude supplementary agreements of an administrative nature with a view to facilitating the implementation of this Agreement.

Article XXIV

This Agreement shall enter into force on the date on which SELA acknowledges receipt of notification by the Government that the Agreement has been approved in accordance with Brazilian constitutional provisions.

Article XXV

This Agreement shall remain in force indefinitely; it may be terminated at any time by notice given by either Contracting Party to the other. The termination shall take effect six months after the date of receipt of notice, during which period the assets of SELA shall be liquidated on such terms as the Government may establish.

DONE at Caracas on 3 February 1981 in two original copies, both in Portuguese.

For the Government
of the Federative Republic
of Brazil:

DAVID SILVEIRA DA MOTA Jr.

For the Latin American
Economic System:

CARLOS ALZAMORA