

No. 24376

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**MULTILATERAL**

**Agreement on privileges and immunities of the Organization  
of American States. Concluded at Washington on  
15 May 1949**

*Authentic texts: Spanish, English, Portuguese and French.*

*Registered by the Organization of American States on 23 October 1986.*

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**MULTILATÉRAL**

**Accord sur les privilèges et immunités de l'Organisation des  
États américains. Conclu à Washington le 15 mai 1949**

*Textes authentiques : espagnol, anglais, portugais et français.*

*Enregistré par l'Organisation des États américains le 23 octobre 1986.*

## AGREEMENT<sup>1</sup> ON PRIVILEGES AND IMMUNITIES OF THE ORGANIZATION OF AMERICAN STATES

Whereas:

Article 103 of the Charter of the Organization of American States, signed April 30, 1948,<sup>2</sup> at the Ninth International Conference of American States, provides that “the Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes”;

Article 104 of the Charter provides that “the Representatives of the Governments on the Council of the Organization, the Representatives on the Organs of the Council, the personnel of their Delegations, as well as the Secretary General and the Assistant Secretary General of the Organization, shall enjoy the privileges and immunities necessary for the independent performance of their duties”;

Article 105 of the Charter provides that “the juridical status of the Inter-American Specialized Organizations and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the Pan American Union, shall be determined in each case through agreements between the respective organizations and the Governments concerned”;

The Governments of the States Members of the Organization of American States:

<sup>1</sup> Came into force on 4 June 1951, the date of deposit with the General Secretariat of the Organization of American States of the second instrument of ratification:\*

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Costa Rica.....	26 October 1949
Ecuador.....	4 June 1951

\* Although the Agreement does not contain any specific provision as to the method and date of entry into force, the depositary has determined that such entry into force takes place on the date of deposit of the second instrument of ratification in accordance with article 8 of the Convention on Treaties, signed at Havana on 20 February 1928<sup>†</sup> at the Sixth International Conference of American States.

<sup>†</sup> Hudson, Manley O., *International Legislation*, vol. 4 (Carnegie Endowment for International Peace, 1931), p. 2378.

Subsequently, the Agreement came into force for the States listed below on the date of deposit of their instrument of ratification or accession with the General Secretariat of the Organization of American States:

<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>
Haiti.....	13 March 1952
Cuba.....	23 June 1952
Peru.....	20 December 1960
Nicaragua.....	25 January 1961 <i>a</i>
Honduras.....	25 August 1964
Brazil.....	22 October 1965
Paraguay.....	28 January 1970 <i>a</i>
Colombia.....	17 June 1974 <i>a</i>
Chile.....	21 April 1976
Bolivia.....	16 November 1977
Uruguay.....	6 November 1978 <i>a</i>

<sup>2</sup> United Nations, *Treaty Series*, vol. 119, p. 3.

Authorize their representatives on the Council of the Organization to sign the present Agreement concerning the privileges and immunities to be enjoyed by the Organization of American States, which are substantially identical to those granted to the United Nations.

*Chapter I. ORGANIZATION OF AMERICAN STATES*

*Article 1.* The privileges and immunities of the Organization of American States shall be those which are granted to its Organs and to the personnel thereof.

The Specialized Conferences and the Specialized Organizations are not included within the scope of this Agreement.

*Article 2.* The Organization and its Organs, their property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case the immunity has been expressly waived. It is understood, however, that no such waiver of immunity shall make the said property and assets subject to any measure of execution.

*Article 3.* The premises of the Organization and of its Organs shall be inviolable. Their property and assets, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

*Article 4.* The archives of the Organization and of its Organs, and all documents belonging to them or in their possession, shall be inviolable wherever located.

*Article 5.* The Organization and its Organs, their property, funds and assets, shall be:

- a) Exempt from all direct taxes; it is understood, however, that they may not claim exemption from taxes which are, in fact, charges for public utility services;
- b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported for their official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;
- c) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of their publications.

*Article 6.* Without being restricted by financial controls, regulations or moratoria of any kind,

- a) The Organization and its Organs may hold funds, gold or currency of any kind and operate accounts in any currency;
- b) The Organization and its Organs shall be free to transfer their funds, gold or currency from one country to another or within any country, and to convert any currency held by them into any other currency.

In exercising these rights, the Organization shall pay due regard to any representations made by the Government of any Member insofar as it is considered that effect can be given to such representation without detriment to the interests of the Organization.

## *Chapter II. REPRESENTATIVES OF THE MEMBER STATES*

*Article 7.* The Representatives of the States Members of the Organs of the Organization, as well as the personnel of the Delegations, shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

- a) Immunity from personal 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 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, alien registration or national service obligations in the state which they are visiting or through which they are passing in the exercise of their functions; in the case of permanent delegations, this exemption shall extend also to dependent relatives;
- 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 facilities in respect of their personal baggage as are accorded to diplomatic envoys; and also
- g) Such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from exercise duties or sales taxes.

## *Chapter III. SECRETARY GENERAL AND ASSISTANT SECRETARY GENERAL*

*Article 8.* The Secretary General and the Assistant Secretary General of the Organization, their spouses and minor children, shall be granted the privileges and immunities, exemptions and facilities granted to diplomatic envoys.

## *Chapter IV. PAN AMERICAN UNION*

*Article 9.* The Pan American Union, in exercising its functions as General Secretariat of the Organization of American States, shall have the capacity:

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

## *Chapter V. STAFF OF THE PAN AMERICAN UNION*

*Article 10.* The officials and other members of the staff of the Pan American Union shall:

- a) Be immune from legal process of any kind in respect of words spoken or written and all acts performed by them in their official capacity;
- b) Be exempt from taxation on the salaries and emoluments paid to them by the Pan American Union, on the same conditions that the officials of the United

Nations may enjoy such exemptions with respect to the particular Member State;

- c) Be immune from national service obligations, except when the States of which they are nationals require such service. In the latter case, it is recommended that the States take into consideration the needs of the Pan American Union with respect to its technical personnel;
- d) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- e) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank forming part of diplomatic missions to the Government concerned;
- f) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- g) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

*Article 11.* The Pan American Union shall cooperate at all times with the appropriate authorities of the particular State to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges and immunities mentioned in this Chapter.

*Article 12.* The Pan American Union 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 Pan American Union is a party;
- b) Disputes involving any official or member of the staff of the Pan American Union with reference to which immunity is enjoyed, if immunity has not been waived by the Secretary General in accordance with Article 14.

#### *Chapter VI. NATURE OF THE PRIVILEGES AND IMMUNITIES*

*Article 13.* Privileges and immunities are granted to the Delegations of Member States to ensure the independent exercise of their functions with relation to the Organization. Consequently, each Member State shall waive such privileges and immunities in any case where, in its own judgment, the exercise thereof would impede the course of justice and when such waiver can be made without prejudice to the purposes for which they were granted.

*Article 14.* Privileges and immunities are granted to officials and personnel of the Pan American Union in the interests of the Organization only. Consequently, the Secretary General shall waive the privileges and immunities of any official or member of the staff in any case where, in the judgment of the Secretary General, the exercise thereof would impede the course of justice and the waiver can be made without prejudice to the interests of the Organization. In the case of the Secretary General or of the Assistant Secretary General the Council of the Organization shall have the right to waive the immunity.

*Article 15.* The present Agreement shall be subject to the approval of the appropriate authorities in the respective countries.

IN WITNESS WHEREOF, the undersigned representatives sign this Agreement on behalf of their respective Governments, in English, Spanish, Portuguese and French, at the Pan American Union, Washington, D.C., on the dates which appear below their signatures.

*[For the signature pages, see p. 98 of this volume.]*

Pelo Brasil:  
[For Brazil — Pour le Brésil]<sup>1</sup> :

[*Signed — Signé*]

HILDEBRANDO ACCIOLY  
22 de setembro de 1949<sup>2</sup>

Por Bolivia:  
[For Bolivia — Pour la Bolivie] :

[*Signed — Signé*]

GUILLERMO GUTIÉRREZ M.  
12 de octubre de 1949<sup>3</sup>

Por Costa Rica:  
[For Costa Rica — Pour le Costa Rica] :

[*Signed — Signé*]

JORGE HAZERA  
21 de octubre de 1949<sup>4</sup>

Por Cuba:  
[For Cuba — Pour Cuba] :

[*Signed — Signé*]

GONZALO GUELL  
7 de diciembre de 1949<sup>5</sup>

Por Chile:  
[For Chile — Pour le Chili] :

[*Signed — Signé*]

FÉLIZ NIETO DEL RÍO  
24 de enero de 1950<sup>6</sup>

<sup>1</sup> The text within brackets is a translation supplied by the Secretariat of the United Nations — Le texte entre crochets est une traduction fournie par le Secrétariat de l'Organisation des Nations Unies.

<sup>2</sup> 22 September 1949 — 22 septembre 1949.

<sup>3</sup> 12 October 1949 — 12 octobre 1949.

<sup>4</sup> 21 October 1949 — 21 octobre 1949.

<sup>5</sup> 7 December 1949 — 7 décembre 1949.

<sup>6</sup> 24 January 1950 — 24 janvier 1950.

Por Ecuador:

[For Ecuador — Pour l'Equateur] :

[*Signed — Signé*]

ALFONSO MOSCOSO  
5 de marzo de 1951<sup>1</sup>

Por Perú:

[For Peru — Pour le Pérou] :

[*Signed — Signé*]

JUAN BAUTISTA DE LAVALLE  
3 de noviembre de 1958<sup>2</sup>

Por Honduras:

[For Honduras — Pour le Honduras] :

[*Signed — Signé*]

RAFAEL HELIODORO VALLE  
14 de junio de 1949<sup>3</sup>

Pour Haïti :

[For Haiti]:

[*Signed — Signé*]

JOSEPH D. CHARLES  
Le 7 juillet 1949<sup>4</sup>

Por la República Dominicana:

[For the Dominican Republic — Pour la République dominicaine] :

25 de agosto de 1949<sup>5</sup>

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<sup>1</sup> 5 March 1951 — 5 mars 1951.

<sup>2</sup> 3 November 1958 — 3 novembre 1958.

<sup>3</sup> 14 June 1949 — 14 juin 1949.

<sup>4</sup> 7 July 1949.

<sup>5</sup> 25 August 1949 — 25 août 1949.