



AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN
LATIN AMERICA AND THE CARIBBEAN

OPANAL/10

23 December 1969

**Convention on the Privileges and Immunities
of the Agency for the Prohibition of Nuclear Weapons
in Latin America and the Caribbean (OPANAL)¹**

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 (Treaty of Tlatelolco),

Whereas Article 22 of the Treaty of Tlatelolco provides that the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), hereinafter referred to as the Agency, shall enjoy in the territory of each of the Contracting Parties such legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Have agreed as follows:

Juridical personality

Article 1

The Agency shall possess juridical personality and, in particular, the capacity to execute any kind of instrument of contract permitted by the laws of the State concerned and may participate in any judicial or administrative proceedings in the defence of its interests.

¹ Resolution 9 (I) adopted on 8 September 1969 by the First Session of the General Conference of OPANAL held in Mexico City (2-9, September 1969 and 7-10, September 1970).

Property

Article 2

1. The Agency and its property, wherever located and by whomsoever held. Shall enjoy immunity from every form of legal process except in so far as in any particular case it 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 shall be inviolable. The property of the Agency, 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.
3. The archives of the Agency, and in general all documents belonging to it or held by it, shall be inviolable wherever located.
4. Without being restricted by financial controls, regulations or moratoria of any kind,
 - a) The Agency may hold funds or currency of any kind and operate accounts in any currency;
 - b) The Agency shall be free to transfer its funds or currency from one country to another or within any country and to convert any currency held by it into any other currency.
5. In exercising its rights under the foregoing paragraph, the Agency shall pay due regard to any representations made by the Government of any member in so far as it is considered that effect can be given to such representations without detriment to the interests of the Agency.

6. The Agency, its assets, income and other property shall be exempt:
 - a) From all direct taxes; it is understood, however, that the Agency 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 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) From customs duties and prohibitions and restrictions in respect of the import and export of its publications.

Facilities in respect of communications

Article 3

1. The Agency will enjoy in the territory of each member for its official communications treatment not less favourable than that accorded by the Government of that member to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the Press and radio. No censorship shall be applied to the official correspondence and other official communications of the Agency.
2. The Agency shall have the right to use codes and to dispatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

The representatives of Members

Article 4

1. Representatives of member to the principal and subsidiary organs or the Agency and to conferences convened by the Agency shall, while exercising their functions and during the 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 capacity as representatives, 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 and emigration restrictions, alien registration or national service obligations in the State they are visiting or through which they are passing in the exercise of their functions;
 - 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 immunities and 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 excise duties or sales taxes.
2. In order to secure, for the representatives of members to the principal and subsidiary organs of the Agency and to conferences convened by the Agency, freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of members.
 3. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of members to the principal and subsidiary organs of the Agency and to conferences convened by the Agency are present in a State for the discharge of their duties shall not be considered as periods of residence.
 4. Privileges and immunities are accorded to the representatives of members 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 a member not only has the right but is under a duty to waive the immunity of its representative 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 of the purpose for which the immunity is accorded.
 5. The provisions of paragraphs 2, 3 and 4 may not be invoked against the authorities of the State of which the person concerned is a national or of which he is or has been the representative.
 6. In this article the expression "representative" shall be deemed to include all representatives, alternate representatives, advisers and experts.

Officials

Article 5

1. The General Secretary will specify the categories of officials to which the provisions of this article shall apply. He shall submit these categories to the General Conference and thereafter these categories shall be communicated from time to time to the Governments of all members.
2. Officials of the Agency shall:
 - a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
 - b) Be immune, together with their spouses and relatives dependent on them, from immigration and emigration restrictions and alien registration;
 - c) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
 - d) Have the right to import free of duty their furniture and effects on entering the country to take up their posts.
3. Officials of the Agency shall, except in the countries of which they are nationals:
 - a) Be exempt from taxation on the salaries and emoluments paid to them by the Agency;
 - b) Be exempt from national service obligations;

- c) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic mission to the Government concerned.
4. In addition to the privileges and immunities specified in the two foregoing paragraphs, the General Secretary of the Agency and his spouse and minor children shall be accorded the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.
 5. Privileges and immunities are granted to officials in the interests 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.
 6. The Agency shall co-operate at all times with the appropriate authorities of members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the privileges, immunities and facilities mentioned in this article.

Inspectors and experts on missions for the Agency

Article 6

1. Inspectors and experts of the Agency (other than officials coming within the scope of article 5) 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 purpose of their communications with the Agency, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
 - e)* Except in the countries of which they are nationals, 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 immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys;
 - g)* Immunity, in respect of themselves, their spouses and relatives dependent on them, from migration restrictions and alien registration.
2. Privileges and immunities are granted to inspectors and experts in the interests 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 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.

Settlement of disputes

Article 7

1. 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 the said official's immunity has not been waived by the General Secretary.
2. Disputes arising out of the interpretation or application of the present Convention may be referred to the International Court of Justice, unless in any case it is agreed by the Parties to have recourse to another mode of settlement. If a difference arises between the Agency and a member, a request may be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the International Court of Justice. The opinion given by the Court shall be accepted as decisive by the Parties.

Final provisions

Article 8

1. When the present Convention has been adopted by the General Conference of the Agency, it shall be open for signature by all member States.
2. It shall enter into force for each member State of the Agency which signs it on the date of deposit of its instrument of ratification with the General Secretary of the Agency.

3. The General Secretary of the Agency shall inform all members of the deposit of each instrument of ratification.

DONE at Mexico City, this 23rd day of December of 1969.