

884

No. 6092

**INTERNATIONAL LABOUR ORGANISATION
and
PERU**

**Agreement concerning the privileges and immunities of a
Field Office in Lima. Signed at Geneva, on 22 June 1960**

Official text: Spanish.

Registered by the International Labour Organisation on 12 March 1962.

**ORGANISATION INTERNATIONALE DU TRAVAIL
et
PÉROU**

**Accord concernant les privilèges et immunités d'un centre
d'action à Lima. Signé à Genève, le 22 juin 1960**

Texte officiel espagnol.

Enregistré par l'Organisation internationale du Travail le 12 mars 1962.

[TRANSLATION¹ — TRADUCTION²]

No. 6092. AGREEMENT³ BETWEEN THE GOVERNMENT OF PERU AND THE INTERNATIONAL LABOUR ORGANISATION CONCERNING THE PRIVILEGES AND IMMUNITIES OF A FIELD OFFICE IN LIMA. SIGNED AT GENEVA, ON 22 JUNE 1960

The Government of the Republic of Peru, on the one hand, and
The International Labour Organisation, on the other,

Considering that the International Labour Organisation has established a Field Office in Lima;

Desirous of concluding an Agreement to determine the privileges, immunities and exemptions which shall be granted by the Government of Peru to the International Labour Organisation, to the representatives of its Members and to its experts and officials, and anxious to resolve other related questions ;

Have agreed as follows :

Article I

DEFINITIONS

Section 1

In this Agreement :

(a) the expression “ Organisation ” means the International Labour Organisation;

(b) for the purposes of Article IV the expressions “ property and assets ”, “ funds, money, securities, gold and currency ”, “ assets, income and other property ” shall include property, assets and funds administered by the Organisation in conformity with its Constitution⁴ and in the exercise of its constitutional functions;

(c) the expression “ representatives of Members ” shall include all delegates to the International Labour Conference, all persons who are members or deputy members of the Governing Body or other conferences, committees or meetings convened by the Organisation, and generally all representatives, alternates, advisers, technical experts and secretaries of delegations;

¹ Translation by the International Labour Office.

² Traduction du Bureau international du Travail.

³ Came into force on 1 March 1962, upon notification by the Government of Peru to the Director-General of the International Labour Office of the ratification of the Agreement, in accordance with article X, section 29.

⁴ United Nations, *Treaty Series*, Vol. 15, p. 40.

(d) the expression "Members" means the Member States of the International Labour Organisation and any territory or group of territories which, without being a Member, is represented at the Conference or at other meetings convened by the Organisation and participates in their work in accordance with the Constitution of the Organisation;

(e) the expression "principal and subsidiary organs" means the International Labour Conference, the Governing Body, the International Labour Office and any subdivision of these organs established in Peru;

(f) for the purposes of Sections 4, 6, 13, 14 and 15, the expressions "freedom of meeting" and "meetings of the Organisation" include all meetings of the principal and subsidiary organs of the Organisation and all conferences and meetings held in Peru and convened by the Organisation or on its authority or under its auspices.

Article II

JURIDICAL PERSONALITY

Section 2

The Organisation shall possess juridical personality. It shall have the capacity:

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

Article III

FREEDOM OF ACTION

Section 3

The Organisation and its principal and subsidiary organs shall enjoy in Peru the independence and freedom of action appropriate for an international organisation.

Section 4

The Organisation and its principal and subsidiary organs, its Members and the representatives which these Members appoint in their relations with the Organisation, shall enjoy in Peru complete freedom to meet, deliberate and take decisions; the Government of Peru shall be informed in advance of any meeting which will be held in its territory.

Article IV

PROPERTY, FUNDS AND ASSETS

Section 5

The Organisation, its property and assets located in Peru, by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity has been expressly waived by the Director-General of the Office. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 6

1. The premises of the Organisation in Peru and any other premises which the Organisation may occupy in Peruvian territory for the purposes of a meeting convened by it shall be inviolable.

2. The premises and the property and assets of the Organisation, by whomsoever held, shall enjoy the privileges and immunities granted to the property of foreign States.

Section 7

The archives of the Organization and in general all documents belonging to it or held by it shall be inviolable wherever located.

Section 8

1. Without being restricted by financial controls, regulations or moratoria of any kind, the Organisation may :

(a) receive and hold funds, moneys, gold, currencies and securities of any kind and operate accounts in any currency;

(b) freely transfer its funds, moneys, gold, currencies and securities to any place both inside and outside Peru, and convert any currency held by it into any other currency.

2. The provisions of this section shall also apply to the Members of the Organisation in their relations with the Organisation.

Section 9

In exercising its rights under Section 8, the Organisation shall pay due regard to any representations made by the Government in so far as it is considered that effect can be given to such representations without detriment to the interests of the Organisation.

Section 10

The Organisation, its assets, income and other property shall be exempt from :

(a) all direct taxes; it is understood, however, that the Organisation will not claim exemption from taxes which are in fact no more than charges for public utility services;

(b) customs duties and prohibitions and restrictions on imports and exports of property and articles imported or exported by the Organisation for its official use; it is understood, however, that the property and articles imported under such exemption will not be sold in Peruvian territory except under conditions agreed with the Government of Peru;

(c) customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Article V

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 11

The Organisation shall enjoy in Peru for its official communications treatment not less favourable than that accorded by the Government of Peru to any other Government, including the latter's 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, so long as such treatment is not incompatible with the provisions of any international Convention.

Section 12

1. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this Section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between Peru and the Organisation.