

No. 26923

GUATEMALA
and
INTER-AMERICAN INSTITUTE
FOR COOPERATION ON AGRICULTURE

Basic Agreement concerning institutional relations and privileges and immunities. Signed at Guatemala City on 29 August 1985

Authentic text: Spanish.

Registered by Guatemala on 6 November 1989.

GUATEMALA
et
INSTITUT INTERAMÉRICAIN
DE COOPÉRATION POUR L'AGRICULTURE

Accord de base relatif aux relations institutionnelles et aux privilèges et immunités. Signé à Guatemala City le 29 août 1985

Texte authentique : espagnol.

Enregistré par le Guatemala le 6 novembre 1989.

[TRANSLATION — TRADUCTION]

BASIC AGREEMENT¹ BETWEEN THE INTER-AMERICAN INSTITUTE FOR COOPERATION ON AGRICULTURE AND THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA CONCERNING INSTITUTIONAL RELATIONS AND PRIVILEGES AND IMMUNITIES

The Inter-American Institute for Cooperation on Agriculture, hereinafter referred to as IICA or the Institute, represented by its Executive Director, Francisco Morillo Andrade, and the Government of the Republic of Guatemala, hereinafter referred to as the Government, represented by its Minister for Foreign Affairs, Fernando Andrade Díaz-Durán,

Considering:

That the Government of the Republic of Guatemala approved the Convention on the Inter-American Institute of Agricultural Sciences, opened for signature by all American States on 15 January 1944;²

That, on 27 May 1980, the Government of the Republic of Guatemala deposited its instrument of ratification of the new Convention on the Institute, known as the Convention on the Inter-American Institute for Cooperation on Agriculture,³ which is intended to replace the name "Inter-American Institute of Agricultural Sciences" by that of "Inter-American Institute for Cooperation on Agriculture", to broaden the purposes and functions of the Institute, and to reform its basic structure;

That the new Convention on the Institute, upon coming into force on 8 December 1980, legally superseded the earlier Convention;

That, in accordance with the provisions of the new Convention on the Institute, the Inter-American Institute for Cooperation on Agriculture has juridical personality in the territory of the member States;

Now therefore

Conclude this Basic Agreement concerning Institutional Relations and Privileges and Immunities of the Inter-American Institute for Cooperation on Agriculture and its staff, as follows:

CHAPTER I. LEGAL PERSONALITY AND CAPACITY OF THE INSTITUTE

Article 1

The Institute is an international organization, having inter-American scope and full international juridical personality, made up of member States and governed by its Convention; it specializes in agriculture and, in accordance with the Charter of the Organization of American States⁴ and its Buenos Aires Protocol,⁵ is recognized as a specialized inter-American organization.

¹ Came into force on 31 October 1985, the date by which it had been ratified by the Government of Guatemala pursuant to its constitutional provisions, in accordance with article 42.

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

³ *Ibid.*, vol. 1214, p. 3.

⁴ *Ibid.*, vol. 119, p. 3.

⁵ *Ibid.*, vol. 721, p. 324.

Article 2

The Government recognizes the international juridical personality of the Institute and all of the rights, duties and powers which the latter has under its Convention and regulations, and, in addition, recognizes it as the legal successor to the Inter-American Institute of Agricultural Sciences for all purposes.

Article 3

In accordance with its international juridical personality, the Institute has the capacity to:

- (a) Enter into any kind of contract;
- (b) Own financial resources, movable property, real estate and livestock;
- (c) Purchase, sell, lease, improve or administer any type of property;
- (d) Institute legal or administrative proceedings when that suits its interests, with the option to waive the immunity from prosecution which it enjoys in Guatemala in its capacity as an international organization;
- (e) Accept special contributions, bequests and grants, provided they are compatible with its nature and purposes, in accordance with the Institute's relevant standards. In purchasing real estate, the Institute shall satisfy the conditions required of international organizations by law.

Article 4

The Institute shall have its international headquarters in San José, Costa Rica; the central office of its General Directorate shall be located there.

Article 5

In order to strengthen and facilitate the development of activities undertaken in the Republic of Guatemala, the Institute may enter into cooperation agreements with national or international institutions of a public or private character in areas related to agriculture and rural welfare.

CHAPTER II. PRIVILEGES AND IMMUNITIES OF THE INSTITUTE

Article 6

The Institute, in its capacity as an international organization, shall enjoy all privileges and immunities granted by the Government to the Organization of American States, as well as any others which may be granted to other international organizations accredited to the Republic of Guatemala and those provided in this Basic Agreement.

Article 7

The Institute, its property and assets situated in Guatemala and by whomsoever held, shall enjoy immunity from every form of legal process except in cases where such immunity is expressly waived. It is understood that no such waiver of immunity shall have the effect of subjecting said property and assets to distraint measures.

Article 8

The premises, assets and property of the Institute shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether

by executive, administrative, judicial or legislative action. Its archives and all documents belonging to it shall be inviolable.

Article 9

The Institute, its assets, income and other property, shall be:

(a) Exempt from any kind of tax or assessment, present or future, it being understood that it may not claim exemption from taxes or assessments which constitute payment for public utility services.

(b) Exempt from customs duties or charges of equivalent effect and from any other tax, fee, levy, prohibition or restriction, present or future, in respect of articles or vehicles imported or exported for its official use. Articles or vehicles imported for official use may be sold within the country under the conditions set out by the Government for diplomatic missions accredited to Guatemala.

(c) Exempt from customs duties, prohibitions and restrictions, present or future, on the import and export of its publications.

Article 10

Without being affected by tax provisions, laws, regulations or moratoria of any kind:

(a) The Institute may hold funds in foreign currency and securities and maintain its accounts in any currency.

(b) The Institute shall be free to transfer its foreign-currency funds out of the country.

Where there is a system of exchange restrictions, the Institute shall, in converting the national currency into hard currency so as to make remittances abroad, enjoy the same treatment as diplomatic missions.

Article 11

In Guatemala the Institute shall enjoy franking privileges and favourable treatment for its official communications equivalent to those accorded to diplomatic missions accredited to Guatemala as regards priorities, rates, surcharges, fees or taxes on letters, cables, telexes, telegrams and radiograms, telephone calls and any other medium of communication, as well as press rates for printed matter to be used in publicity in any medium, provided such treatment is not at variance with the provisions of international treaties.

Neither the Institute's correspondence nor any of its official communications shall be censored in any way.

Article 12

The Institute shall have the right to use codes and to send and receive official correspondence in sealed bags; the latter shall enjoy privileges and immunities of the kind granted to diplomatic bags.

CHAPTER III. PRIVILEGES AND IMMUNITIES OF THE STAFF

Article 13

From the time he is elected and for as long as he remains in office the Director General of the Institute shall, while in the country, enjoy, with respect to all acts

pertaining to the exercise of his duties, all the immunities, privileges and freedoms afforded to heads of diplomatic missions accredited to the Government. Such immunities, privileges, exemptions and freedoms shall be not less than those recognized by the Vienna Convention on Diplomatic Relations,¹ international custom and any other pertinent laws in effect, on the understanding that where the latter are conditional upon reciprocal treatment between States, this requirement shall not be enforced.

Article 14

The spouse, minor children or dependents of the Director General shall enjoy the same immunities and privileges, while in the country, as members of the families of heads of diplomatic missions, on the same conditions and with the same provisions as are set out for such persons in the Vienna Convention on Diplomatic Relations and accepted by international custom.

Article 15

The Deputy Director General and Assistant Deputy Directors General and their families shall enjoy the same privileges and immunities, while in the country, as envoys or diplomatic agents and their families in accordance with the Vienna Convention on Diplomatic Relations and international custom.

Article 16

The Area Director, who shall at the same time serve as director of the national office, while in Guatemala shall enjoy the privileges and immunities normally granted by the Government to Heads of Diplomatic Missions in accordance with the Vienna Convention on Diplomatic Relations and international custom.

Article 17

The staff of the Institute shall enjoy immunity from any administrative or judicial proceeding in respect of acts carried out or statements made by them orally or in writing in the exercise of their official duties. They shall likewise be exempt from all taxes or other levies on the salaries and emoluments paid them by the Institute.

Article 18

Members of the international professional staff of the Institute who are not of Guatemalan nationality and whose duties require them to stay in Guatemala shall:

- (a) Enjoy immunity from any obligatory national service;
- (b) Receive, as shall their dependent spouses and relations, all facilities granted to diplomatic agents as regards immigration and alien registration and repatriation in time of international crisis;
- (c) Enjoy, with respect to international transfer of funds, exemptions and conditions identical to those enjoyed by diplomatic agents accredited to the Government;
- (d) Be entitled to import, duty- and tax-free household furniture, equipment and other personal or necessary effects for their family use upon assuming their duties and taking up residence in Guatemala;

¹ United Nations, *Treaty Series*, vol. 500, p. 95.