

**No. 48868**

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**Argentina  
and  
Antarctic Treaty Consultative Meeting**

**Headquarters Agreement for the Secretariat of the Antarctic Treaty. Punta del Este, 10 May 2010**

**Entry into force:** *10 May 2010 by signature, in accordance with article 25*

**Authentic texts:** *English, French, Russian and Spanish*

**Registration with the Secretariat of the United Nations:** *Argentina, 16 August 2011*

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**Argentine  
et  
Réunion consultative du Traité sur l'Antarctique**

**Accord de siège du secrétariat du Traité sur l'Antarctique. Punta del Este, 10 mai 2010**

**Entrée en vigueur :** *10 mai 2010 par signature, conformément à l'article 25*

**Textes authentiques :** *anglais, français, russe et espagnol*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Argentine, 16 août 2011*

## HEADQUARTERS AGREEMENT FOR THE SECRETARIAT OF THE ANTARCTIC TREATY

The Antarctic Treaty Consultative Meeting (ATCM) and the Argentine Republic,

Convinced of the need to strengthen the Antarctic Treaty system;

Bearing in mind the special legal and political status of Antarctica and the special responsibility of the Antarctic Treaty Consultative Parties to ensure that all activities in Antarctica are consistent with the purposes and principles of the Antarctic Treaty and its Protocol on Environmental Protection;

Having regard to Decision 1 (2001) of the XXIV ATCM and Measure 1 (2003) of the XXVI ATCM on the Secretariat of the Antarctic Treaty in Buenos Aires, Argentina;

Desiring to enable the Secretariat as an organ of the ATCM fully and efficiently to fulfill its purposes and functions; and

Desiring to define the legal capacity of the Secretariat as an organ of the ATCM as well as its privileges and immunities and those of the Executive Secretary and other staff members in the territory of the Argentine Republic;

Have agreed as follows:

### Article 1 Definitions

For the purpose of this Agreement:

- a. “Antarctic Treaty” or “the Treaty” means the Antarctic Treaty done at Washington on 1 December 1959;
- b. “Appropriate Authorities” means the national, provincial or local authorities of the Argentine Republic in accordance with the laws of the Argentine Republic;
- c. “Archives” means all correspondence, documents, manuscripts, photographs, computer data storage, films, recordings and any other records, in paper, electronic or any other form, belonging to or held by the Secretariat;
- d. “Committee for Environmental Protection” or “CEP” means the Committee

- established under Article 11 of the Protocol;
- e. "Delegates" means Representatives, Alternate Representatives, Advisers and any other persons who represent the States Parties;
  - f. "Executive Secretary" means the Executive Secretary appointed by the ATCM to head the Secretariat according to the instrument establishing the Secretariat;
  - g. "Expert" means a person engaged to perform short term or temporary projects on behalf of the Secretariat or participate in the work of or perform a mission on behalf of the Secretariat without necessarily receiving remuneration from the Secretariat, but does not include staff members;
  - h. "Government" means the Government of the Argentine Republic;
  - i. "Headquarters" means the premises, including buildings or parts of buildings and any land ancillary thereto, irrespective of ownership, occupied by the Secretariat for the performance of its Official Activities;
  - j. "Official Activities" means all activities undertaken pursuant to the Treaty and the Protocol including the Secretariat's administrative activities;
  - k. "Protocol" means the Protocol on Environmental Protection to the Antarctic Treaty done at Madrid on 4 October 1991;
  - l. "Secretariat" means the Secretariat of the Antarctic Treaty, established as a permanent organ of the ATCM;
  - m. "Staff member" means the Executive Secretary and all other persons appointed for employment with the Secretariat and subject to its Staff Regulations, but does not include persons recruited locally and assigned to hourly rates of pay; and
  - n. "States Parties" means the States Parties to the Antarctic Treaty.

## Article 2 Legal capacity

The Secretariat as an organ of the ATCM has legal personality and capacity to perform its functions in the territory of the Argentine Republic. It has, in particular, the capacity to contract, to acquire and dispose of movable and immovable property, and to institute and be a party to legal proceedings. The Secretariat may exercise its legal capacity only to the extent authorized by the ATCM.

## Article 3 Headquarters

1. The Headquarters shall be inviolable and shall be under the full authority of the Secretariat.
2. The Government shall provide premises rent-free, in Buenos Aires, suitable as the Headquarters.
3. The Government shall take all appropriate steps to protect the Headquarters against any intrusion or damage and to prevent any impairment of its dignity.

4. The Government shall arrange for the Headquarters to be supplied by the appropriate authorities with available public services, such as electricity, water, sewerage, gas, mail, telephone, telegraph, drainage, garbage collection and fire protection, on terms no less favourable than those enjoyed by diplomatic missions in Argentine Republic.

5. Through the ATCM, the Secretariat shall make known to the Government the need for any changes to the location or extent of its permanent premises or archives and of any temporary occupation of premises for the performance of its Official Activities. Where any premises other than those provided under paragraph 2 above are used or occupied by the Secretariat for the performance of its Official Activities, such premises shall, with the concurrence of the Government, be accorded the status of official premises of the Secretariat. Where any permanent or temporary changes are made to the premises of the Secretariat in accordance with this paragraph, any additional premises occupied by the Secretariat shall not necessarily be provided by the Government rent-free.

6. Without prejudice to the terms of this Agreement, the Secretariat shall not permit the Headquarters to become a refuge from justice for persons avoiding arrest or service of legal process or against whom an order of extradition or deportation has been issued.

7. The Appropriate Authorities may enter the Headquarters to carry out their duties only with the consent of the Executive Secretary and under the conditions agreed by him/her. The Executive Secretary's consent shall be deemed to have been given in the case of fire or other exceptional emergencies which require immediate protective action.

#### Article 4 Immunities

1. Subject to what is provided for in the Treaty, the Protocol or this Agreement, the activities of the Secretariat in the Argentine Republic shall be governed by Argentine domestic law consistent with international law.

2. Within the scope of its Official Activities, the Secretariat as an organ of the ATCM and its property, premises and assets shall have immunity of jurisdiction in judicial and administrative proceedings except:

- a) to the extent that the ATCM expressly waives such immunity;
- b) in respect of any contract for the supply of goods or services and any loan or other transaction for the provision of finance and any guarantee or indemnity in respect of any such transaction or of any other financial obligation;
- c) in respect of a civil action by a third party for death, damage or personal injury arising from an accident caused by a motor vehicle belonging to, or operated on behalf of, the Secretariat to the extent that compensation is not recoverable from insurance;

- d) in respect of a motor vehicle offence involving a motor vehicle belonging to, or operated on behalf of, the Secretariat;
- e) in the event of a claim for salaries, wages or other emoluments owed by the Secretariat;
- f) in respect of a counter-claim directly connected with proceedings initiated by the Secretariat;
- g) in respect of claims made on real estate situated in the Argentine Republic; and
- h) in respect of actions based on the Secretariat's status as heir or beneficiary of property situated in the Argentine Republic.

3. The Secretariat's property, premises and assets shall have immunity from any form of restrictions or controls such as requisition, confiscation, expropriation or attachment. They shall also be immune from any form of administrative or judicial constraint provided that motor vehicles belonging to or operated on behalf of the Secretariat shall not be immune from administrative or judicial constraint when temporarily necessary in connection with the prevention of, and investigation into, accidents involving such motor vehicles.

4. Nothing in this Agreement shall impair, or shall be construed as a waiver of, immunity that States enjoy in the territory of other States.

#### Article 5

##### Objective and waiver of privileges and immunities

1. Privileges and immunities provided for in this Agreement are granted to ensure the unimpeded functioning of the ATCM and the Secretariat and the complete independence of the persons to whom they are accorded. They are not granted for the personal benefit of the individuals themselves.

2. Except as provided in paragraph 3 below, the privileges and immunities provided in this Agreement may be waived by the ATCM. They should be waived in a particular case where the privilege and immunity in question would impede the course of justice and can be waived without prejudice to the purpose for which they are accorded.

3. In the case of Delegates, their privileges and immunities provided in this Agreement may be waived by the States Parties which they respectively represent.

#### Article 6

##### Archives

The Archives shall be inviolable.