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HEADQUARTERS AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF VENEZUELA AND THE LATIN AMERICAN ECONOMIC SYSTEM (SELA)

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**Headquarters agreement between the Government of the Republic of Venezuela
and the Latin American Economic System "SELA"**

C O N T E N T S

**HEADQUARTERS AGREEMENT BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF VENEZUELA AND THE LATIN AMERICAN ECONOMIC
SYSTEM (SELA)**

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HEADQUARTERS AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF VENEZUELA AND THE LATIN AMERICAN ECONOMIC SYSTEM "SELA"

The Government of the Republic of Venezuela, hereinafter "**THE GOVERNMENT**", and the Latin American and Caribbean Economic System, hereinafter "**SELA**", represented by the Permanent Secretary of its Permanent Secretariat, hereinafter "**THE PERMANENT SECRETARIAT**", with the purpose of complying with the provisions set forth in Article 37 of the Panama Convention Establishing the Latin American Economic System "**SELA**" – which states that "SELA", its organs, the officials of "**THE PERMANENT SECRETARIAT**", and the governmental officials, will have those judicial capacity, privileges and immunities that are strictly necessary in order to carry out their duties, for which the corresponding Agreements will be reached – have decided to sign this Agreement as follows:

ARTICLE 1

"**SELA**" shall have, within the territory of the Republic of Venezuela, the judicial capacity and the necessary privileges and immunities to comply with its functions and pursue its objectives as an international organization, as provided for in this Agreement.

Sole Paragraph

The purchase of properties and immovable assets by "**SELA**" shall be subject to the conditions established in the Constitution of the Republic of Venezuela and to the restrictions set forth in the Law provided for in Article 8 of said instrument.

ARTICLE 2

The Permanent Secretary of "**THE PERMANENT SECRETARIAT**", in his or her capacity as legal representative of the Secretariat, shall be authorized to execute in Venezuela the necessary duties so as to enable "**SELA**" to perform its functions, pursuant to the Convention establishing this organization and its corresponding regulations.

ARTICLE 3

The premises, offices, assets, archives and documents of "**SELA**" and its organs shall be inviolable regardless of the location in the Republic of Venezuela or in whose hands they are; they shall be exempt from searches, requisitions, inspections, censorship, seizure, expropriation, confiscation, and from any other form of executive, judicial or legislative intervention.

ARTICLE 4

"**SELA**" and its organs, as well as their goods, archives, funds and assets, shall have judicial and administrative immunity in the Republic of Venezuela. The Permanent Secretary, on behalf of "SELA" could issue a waiver of immunity as regards specific cases, with the effect of said waiver not being extended to the execution measures affecting the goods, archives, funds and assets of "**SELA**" and its organs, except for those cases in which "**SELA**" or its organs are judicially involved as actors. In such latter case, "**SELA**"

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and its organs will be subject to the corresponding Venezuelan laws for the purposes of the legal action.

ARTICLE 5

The premises of **"SELA"** and its organs shall not be used as a place for political asylum. Therefore, the competent authorities of **"SELA"** and its organs shall not allow its premises to be used as a place for political asylum by people trying to avoid to be arrested in compliance with a judicial order issued by a competent tribunal in the Republic of Venezuela, or trying to ignore a summons to appear in court, or by people who are pursued by **"THE GOVERNMENT"**.

ARTICLE 6

Venezuelan public order officials will not be allowed to enter the premises of **"SELA"** and its organs without the consent of the Permanent Secretary of the **"PERMANENT SECRETARIAT"**, or whoever is performing his or her functions.

ARTICLE 7

The goods, funds, income and donations, as well the assets and operations conducted by **"SELA"** and its organs shall be exempt from taxes, fiscal contributions and duties imposed by either national, state or municipal authorities, particularly those concerning:

- a) Movable or immovable property, or their value, as well as purchasing and selling operations of those movable or immovable goods which are necessary for the Secretariat to perform its functions;
- b) The value of the air tickets purchased for national or international travels;
- c) The wire, telex and teleprinter services, or any other type of similar communications services;
- d) The telephone service; and
- e) The circulation licenses for its vehicles.

First paragraph:

For the above-mentioned purposes, the only requirement will be a certification issued by the **"PERMANENT SECRETARIAT"**.

Second paragraph:

"SELA" and its organs shall not be exempt from those tariffs and duties that constitute remunerations for public services.

ARTICLE 8

"SELA" and its organs shall be exempt from obligations involving retention or collection of any taxes, contributions or duties.

ARTICLE 9

"SELA" and its organs shall be exempt from prohibitions and restrictions on those articles, equipment, vehicles or working tools and publications that may be imported or exported for official use.

Sole paragraph:

The articles imported under these exemptions cannot be sold in the Republic of Venezuela, unless they are sold in compliance with the laws or regulations established by "THE GOVERNMENT" governing such cases.

ARTICLE 10

"SELA" and its organs shall be allowed to keep any type of funds or accounts in any type of currency, to freely transfer funds and currencies within or outside the Republic of Venezuela, and to convert the resources available to them into any type of currency.

ARTICLE 11

"SELA" and its organs shall have the right to use codes and to dispatch and receive correspondence by courier or sealed pouches, which will have the same privileges as diplomatic couriers and pouches.

ARTICLE 12

The aforementioned privileges and immunities are granted exclusively for the fulfillment of the functions of "SELA" and its organs.

ARTICLE 13

While they are in the territory of the Republic of Venezuela performing their duties, the Government Representatives to the organs of "SELA" shall enjoy the privileges and immunities granted to the diplomatic officials in accordance with the norms and practices of the International Law. Such privileges and immunities extend to their direct family members.

Sole Paragraph:

"THE GOVERNMENT" shall not grant these privileges and immunities to its nationals or to the persons representing it in the organs of "SELA".

ARTICLE 14

"THE GOVERNMENT" shall take all the necessary measures to facilitate the entry into the country, residence and exit of the persons indicated below:

- I) the government representatives to the organs of "SELA";
- II) the members of the directive staff;
- III) the members of the technical and administrative staff; and
- IV) The experts and consultants who are to perform duties in Venezuela on the account of "SELA".

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The privileges referred to above shall include, in accordance with the Venezuelan laws and regulations, the issuance of visas for periods of up to one year.

The provisions set forth in this article shall apply to the spouse and the direct relatives of the interested party, provided that they live with said party and do not exercise an independent profession or activity.

The provisions set forth in this article shall be applied in accordance with the communications timely issued by **"THE PERMANENT SECRETARIAT"** to **"THE GOVERNMENT"**.

The legal and regulatory provisions issued by **"THE GOVERNMENT"** concerning sanitary matters shall apply to the persons referred to in this article.

ARTICLE 15

The Permanent Secretary of the **"PERMANENT SECRETARIAT"** as well as the members of its directive, technical and administrative staff who are not nationals of the Republic of Venezuela, provided that they are included in the list forwarded by **"THE PERMANENT SECRETARIAT"** to **"THE GOVERNMENT"**, shall be granted the following privileges and immunities:

- a) Immunity from personal arrests, detentions, administrative or legal processes with respect to the activities performed by them in their official capacity (including words spoken or written) and with respect to the issues within their competence.
- b) Immunity from seizure of personal baggage, papers and documents, related to the activities concerning the organs of **"SELA"**.
- c) Exemption from income taxes, fiscal duties on their salaries, benefits and any other emoluments paid to them by **"THE PERMANENT SECRETARIAT"**.
- d) Exemption, which is also extended to their spouses and minor children, from all types of national compulsory services.
- e) Facilities as regards foreign exchange provisions. In this regard, they will be allowed to keep, within the territory of the Republic of Venezuela, foreign property titles and foreign currency accounts, and will be able to unrestrictedly transfer out of Venezuela the funds that they have brought with them as well as those stemming from the sale of their personal belongings, household goods and vehicles.
- f) Exemption from taxation on circulation of vehicles, which will be identified in accordance with the provisions in force regarding such cases without any additional charge.
- g) Facilities, which are also extended to their relatives, for freely obtaining driving licenses for automobiles or other vehicles.
- h) Exemption from import duties and other additional duties, as well as customs-duty conditions and clearance of baggage, furniture and household goods that they might bring for their stay in the country. This provision is also applicable to the personal effects and goods of the members of their families and to those goods

that enter the country as "unaccompanied baggage" in one or several shipments, provided that they enter the country within the six (6) months following the arrival of the official.

- i) Right to import an automobile in accordance with the conditions and requirements provided for in the law, regulations and resolutions governing the matter in Venezuela.
- j) Free export of their baggage and personal goods, furniture and vehicles upon termination of their duties and up to three months after their definitive departure from the country.

Sole paragraph:

Those Venezuelan citizens who are members of the directive, technical and administrative staff of "**THE PERMANENT SECRETARIAT**", who are included in the list referred to in the first paragraph of this Article, shall be granted only the benefits provided for in paragraphs a), b) and c).

ARTICLE 16

The Ministry of Foreign Affairs of Venezuela shall issue special identity cards to the Permanent Secretary, the Deputy Permanent Secretary, the Directors and other international officials, their spouses and other family members; the remaining staff members of "**THE PERMANENT SECRETARIAT**", their spouses and other family members will be issued identity cards.

This Article shall be applied in accordance with the list of officials referred to in Article 15.

ARTICLE 17

For protocol purposes, the Permanent Secretary of "**THE PERMANENT SECRETARIAT**" shall be recognized the rank of Ambassador and Head of Mission. Both the Permanent Secretary and the Deputy Permanent Secretary shall enjoy the benefit of the annual free import quota that "**THE GOVERNMENT**" grants to the Heads of diplomatic missions accredited to the country, and shall be given diplomatic license plates for their vehicles. The rest of the staff members of "**THE PERMANENT SECRETARIAT**" who are not citizens of the Republic of Venezuela shall also enjoy the annual free import quota granted by "**THE GOVERNMENT**".

ARTICLE 18

The privileges and immunities agreed to in the paragraphs above are granted exclusively in the interest of "**SELA**" and its organs, not as personal advantages for the persons benefiting from them. Therefore, the government of any interested State could suspend such immunities to their representatives and relatives. As far as the staff of "**THE PERMANENT SECRETARIAT**" is concerned, the Permanent Secretary has the right and the duty to waive such privileges and immunities in case they might hinder regular judicial processes, without detriment to the purposes for which they are granted.

ARTICLE 19

The organs of **"SELA"** and its officials shall fully cooperate with Venezuelan authorities in order to facilitate an impartial administration of justice, ensure observance with the laws of the country and prevent any abuse in exercising the privileges and immunities provided for in this Agreement.

ARTICLE 20

"THE PERMANENT SECRETARIAT" commits itself to take any possible appropriate measures in order to facilitate the settlement of any litigation which might involve any of its officials who have been granted immunities and privileges due to their position.

ARTICLE 21

In case an official of **"THE PERMANENT SECRETARIAT"** abuses or illegally takes advantage, in any way, of the privileges and immunities granted by virtue of this Agreement, the Permanent Secretariat shall suspend such immunities and privileges for that official and will adopt any other measures that it may deem convenient.

ARTICLE 22

"THE GOVERNMENT" will not be impeded to expel a foreigner who is under the protection of immunities established in this Agreement. In the case of officials of **"THE PERMANENT SECRETARIAT"**, **"THE GOVERNMENT"** will previously communicate the decision by intermediation of the Ministry of Foreign Affairs to **"THE PERMANENT SECRETARIAT"**, so that the latter can take the suitable measures.

ARTICLE 23

The representatives or officials of international organizations, as well as experts and consultants will enjoy, during their permanence in the territory of the Republic of Venezuela performing duties related to the Consulting Agreement of **"SELA"**, the same treatment established for the officials of **"THE PERMANENT SECRETARIAT"**, as per notification of **"THE PERMANENT SECRETARIAT"** to **"THE GOVERNMENT"**.

ARTICLE 24

The labour and social benefits regime applicable to the personnel of **"THE PERMANENT SECRETARIAT"** will be established by **"SELA"** under the criterium that such provisions shall not be less advantageous than those in force in Venezuela.

ARTICLE 25

All discrepancies on the application and interpretation of this Agreement will be referred to the solution proceeding that **"THE GOVERNMENT"** and **"THE PERMANENT SECRETARIAT"** jointly agree to establish.

ARTICLE 26

"THE GOVERNMENT" and **"THE PERMANENT SECRETARIAT"** can establish the necessary complementary agreements on the subject regulated by this agreement.

ARTICLE 27

This agreement, as well as the complementary agreements that can be adopted, will come into force when **"THE GOVERNMENT"** informs **"THE PERMANENT SECRETARIAT"** that all constitutional and legal requirements have been met for such purpose in Venezuela.

ARTICLE 28

This agreement and those with a complementary nature will cease to be effective one (1) year after any of the Signing Parties inform the other, in writing, its decision to terminate it.

The undersigned, representatives duly authorized by **"THE GOVERNMENT"** and **"SELA,"** sign this agreement in two equally authentic copies, in the city of Caracas, on the twenty-seventh day of the month of March of the year one thousand nine hundred and seventy-eight, 169th year of the Independence and 120th year of the Federation.

Jaime Moncayo
Permanent Secretary
Latin American Economic System (SELA)

Simón Alberto Consalvi
Minister of Foreign Affairs
of the Republic of Venezuela