

No. 21417

**UNITED NATIONS
and
JAMAICA**

Agreement regarding the arrangements for the final part of the eleventh session of the Third United Nations Conference on the Law of the Sea for the purpose of signing the Final Act and the opening of the Convention for signature (with memorandum of understanding). Signed at New York on 3 December 1982

Authentic text: English.

Registered ex officio on 3 December 1982.

**ORGANISATION DES NATIONS UNIES
et
JAMAÏQUE**

Accord relatif à l'organisation de la partie finale de la onzième session de la troisième Conférence des Nations Unies sur le droit de la mer, consacrée à la signature de l'Acte final et à l'ouverture de la Convention à la signature (avec mémorandum d'accord). Signé à New York le 3 décembre 1982

Texte authentique : anglais.

Enregistré d'office le 3 décembre 1982.

AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF JAMAICA REGARDING THE ARRANGEMENTS FOR THE FINAL PART OF THE ELEVENTH SESSION OF THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA FOR THE PURPOSE OF SIGNING THE FINAL ACT AND THE OPENING OF THE CONVENTION FOR SIGNATURE

WHEREAS at its 184th plenary meeting held on 24 September 1982 the Third United Nations Conference on the Law of the Sea accepted the invitation of the Government of Jamaica (the "Government") to hold the final part of the eleventh session of the Third United Nations Conference on the Law of the Sea for the purpose of signing the Final Act and the opening of the convention for signature (the "Conference") at Montego Bay, Jamaica, and

WHEREAS the General Assembly in resolution 37/66 of 3 December 1982² accepted with appreciation the invitation of the Government of Jamaica to hold the final part of the eleventh session of the Third United Nations Conference on the Law of the Sea at Montego Bay, Jamaica, and authorized the Secretary-General to enter into the necessary agreement in this regard with the Government,

RECALLING that the General Assembly of the United Nations, in paragraph 5 of section I of its resolution 31/140 of 17 December 1976,³ decided that sessions of United Nations bodies may be held away from their established headquarters when the Government issuing the invitation for a session to be held within its territory has agreed to defray, after consultations with the Secretary-General of the United Nations as to their nature and possible extent, the actual additional costs directly or indirectly involved,

NOW THEREFORE, the United Nations and the Government hereby agree as follows:

Article I. DATE AND PLACE OF THE CONFERENCE

The Conference shall be held at Montego Bay, from 6 to 10 December 1982.

Article II. PARTICIPATION AND ATTENDANCE AT THE CONFERENCE

1. (i) The Conference is open to participation in accordance with the relevant resolutions of the General Assembly, decisions of the Third United Nations Conference on the Law of the Sea and its Rules of Procedure and may be attended by the representatives of:

- (a) All States;
- (b) Namibia, represented by the United Nations Council for Namibia;
- (c) Observers invited to participate in the Third United Nations Conference on the Law of the Sea in accordance with the relevant resolutions of the General Assembly, organizations that have received standing invitations from the General Assembly to participate in conferences convened under the auspices of the General Assembly in the capacity of observers and national liberation movements recognized by the Organization of African Unity, in accordance with the relevant General Assembly resolutions;

¹ Came into force on 3 December 1982 by signature, in accordance with article XIII (2).

² United Nations, *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 51 (A/37/51)*, p. 26.

³ *Ibid.*, *Thirty-first Session, Supplement No. 39 (A/31/39)*, p. 155.

- (d) Specialized and related agencies of the United Nations, other intergovernmental organizations and non-governmental organizations, invited to participate as observers in the Third United Nations Conference on the Law of the Sea in accordance with its decisions.
- (ii) The Conference may also be attended by the representatives of:
- (a) All self-governing associated States which have chosen that status in an act of self-determination supervised and approved by the United Nations in accordance with General Assembly resolution 1514 (XV)¹ and which have competence over the matters governed by the United Nations Convention on the Law of the Sea, including the competence to enter into treaties in respect of those matters;
- (b) All self-governing associated States which, in accordance with their respective instruments of association, have competence over the matters governed by the United Nations Convention on the Law of the Sea, including the competence to enter into treaties in respect of those matters;
- (c) All territories which enjoy full internal self-government, recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by the United Nations Convention on the Law of the Sea, including the competence to enter into treaties in respect of those matters;
- (d) International intergovernmental organizations constituted by States to which States members of such organizations have transferred competence over matters governed by the United Nations Convention on the Law of the Sea, including the competence to enter into treaties in respect of such matters.

2. The Secretary-General of the United Nations shall designate the officials of the United Nations who shall be entitled to attend the Conference, *inter alia*, for the purpose of servicing it. The Secretary-General may also invite other persons to attend the Conference.

3. The public meetings of the Conference shall be open to representatives of information media accredited by the United Nations at its discretion after consultation with the Government.

Article III. PREMISES, EQUIPMENT, UTILITIES AND SUPPLIES

1. The Government shall provide the necessary premises, including conference rooms for informal meetings, office space, working areas and other related facilities, as specified in Annex I of this Agreement.² The Government shall at its expense furnish, equip and maintain in good repair all these premises and facilities in a manner that the United Nations considers adequate for the effective conduct of the Conference. The conference rooms shall be equipped for reciprocal simultaneous interpretation between six languages and shall have facilities for sound recording in that number of languages as well as facilities for press, television, radio and film operations, as provided for in Annex I. The premises shall remain at the disposal of the United Nations 24 hours a day from five working days prior to the Conference until a maximum of two working days after its close.

2. The Government shall provide, if possible within the conference area: bank, post office, telephone and cable facilities, as well as appropriate eating facilities and a travel bureau.

3. The Government shall bear the cost of all necessary utility services, including local telephone communications of the secretariat of the Conference and its communications

¹ United Nations, *Official Records of the General Assembly, Fifteenth Session, Supplement No. 16 (A/4684)*, p. 66.

² The annexes are not published in accordance with article 12 (2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations as amended in the last instance by General Assembly resolutions 33/141 A of 19 December 1978.

by telex or telephone with United Nations Headquarters in New York when such communications are made by, on behalf of, or are authorized by the Special Representative of the Secretary-General to the Conference, or the Executive Secretary of the Conference.

4. The Government shall bear the cost of transport and insurance charges, from United Nations Headquarters in New York to the site of the Conference and return, of all United Nations equipment and supplies required for the adequate functioning of the Conference. The United Nations shall determine the mode of shipment of such equipment and supplies in accordance with established rules and guidelines and in consultation with the Government.

Article IV. ACCOMMODATION

The Government shall ensure that adequate accommodation in hotels or residences is available at reasonable commercial rates for persons participating in or attending the Conference.

Article V. MEDICAL FACILITIES

1. Medical facilities adequate for first aid in emergencies shall be provided by the Government within the conference area.

2. For serious emergencies, the Government shall ensure immediate transportation and admission to a hospital.

Article VI. TRANSPORT

1. The Government shall ensure the availability of transport for all participants in the Conference between the airport, the principal hotels and the conference site.

2. The Government will provide such local transportation as is required by the United Nations Secretariat in relation to the Conference, including transportation between the airport and the principal hotels and the conference site upon their arrival and departure.

Article VII. POLICE PROTECTION

The Government shall furnish such police protection as may be required to ensure the effective functioning of the Conference free from interference of any kind. While such police services shall be under the direct supervision and control of a senior officer provided by the Government, this officer shall work in close co-operation with a designated senior official of the United Nations.

Article VIII. LOCAL PERSONNEL

1. The Government shall appoint a Liaison Officer who shall be responsible, in consultation with the United Nations, for making and carrying out the administrative and personnel arrangements for the Conference as required under this Agreement.

2. For the purposes of the Conference, the Government shall recruit and provide the local staff specified in Annex II of this Agreement. The local staff referred to above shall be placed under the general supervision of the United Nations Secretariat for the duration of the Conference as well as for a reasonable period of time prior to and after the Conference to the extent required.

Article IX. FINANCIAL ARRANGEMENTS

1. The Government, in addition to the financial obligations provided for elsewhere in this Agreement, shall in accordance with General Assembly resolution 31/140, section I, paragraph 5, bear the actual additional costs directly or indirectly involved in holding the

conference in Jamaica rather than at New York. Such costs, which are provisionally estimated, as set out in Annex III of this Agreement, at approximately \$US157,000, shall include, but not be restricted to, the actual additional costs of travel and staff entitlements of the United Nations officials assigned to attend the Conference, as well as the costs of shipping any necessary equipment and supplies. Arrangements for the travel of United Nations officials required to service the Conference and for the shipment of any necessary equipment and supplies shall be made by the Secretariat in consultation with the Government and in accordance with the Staff Regulations and Rules of the United Nations and its related administrative practices regarding travel standards, baggage allowances, subsistence payments and terminal expenses.

2. The Government shall, not later than 10 December 1982, deposit with the United Nations the sum of \$US157,000, representing the total estimated costs referred to in paragraph 1.

3. The deposit required by paragraph 2 shall be used only to pay the obligations of the United Nations in respect of the Conference.

4. After the Conference, the United Nations shall give the Government a detailed set of accounts showing the actual additional costs incurred by the United Nations and to be borne by the Government pursuant to paragraph 1. These costs shall be expressed in United States dollars, using the United Nations official rate of exchange at the time the payments are made. The United Nations, on the basis of this detailed set of accounts, shall refund to the Government any funds unspent out of the deposit required by paragraph 2. Should the actual additional costs exceed the deposit, the Government shall remit the outstanding balance within one month of the receipt of the detailed accounts. The final accounts shall be subject to audit as provided in the Financial Regulations and Rules of the United Nations, and the final adjustment of accounts shall be subject to any observations which arise from the audit carried out by the United Nations Board of Auditors, whose determination shall be accepted as final by both the United Nations and the Government.

Article X. LIABILITY

1. The Government shall be responsible for dealing with any action, claim or other demand against the United Nations or its officials and arising out of:

- (a) Injury to persons or damage to or loss of property in the premises referred to in article III that are provided by or are under the control of the Government;
- (b) Injury to persons or damage to or loss of property caused by, or incurred in using, the transport services referred to in article VI that are provided by or are under the control of the Government;
- (c) The employment for the Conference of the personnel provided by the Government under article VIII.

2. The Government shall indemnify and hold harmless the United Nations and its officials in respect of any such action, claim or other demand except those arising from wilful misconduct or gross negligence.

Article XI. PRIVILEGES AND IMMUNITIES

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946,¹ to which Jamaica is a party, shall be applicable in respect of the Conference. In particular, the representatives of States, territories and of the intergovernmental organs referred to in article II, paragraph 1 (i) (a),

¹ United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

and (b), and paragraph 1 (ii) (a), (b), (c) and (d) above, shall enjoy the privileges and immunities provided under article IV of the Convention, the officials of the United Nations performing functions in connexion with the Conference referred to in article II, paragraph 2, above, shall enjoy the privileges and immunities provided under articles V and VII of the Convention and any experts on mission for the United Nations in connexion with the Conference shall enjoy the privileges and immunities provided under articles VI and VII of the Convention.

2. The representatives of observers referred to in article II, paragraph 1 (i) (c), above, shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connexion with their participation in the Conference.

3. The personnel provided by the Government under article VIII, above, shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connexion with the Conference.

4. The representatives of the specialized or related agencies, referred to in article II, paragraph 1 (i) (d), above, shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Specialized Agencies¹ or the Agreement on the Privileges and Immunities of the International Atomic Energy Agency,² as appropriate.

5. All other persons performing functions in connexion with the Conference, including those referred to in article VIII and all those invited to the Conference, shall enjoy the privileges, immunities and facilities necessary for the independent exercise of their functions in connexion with the Conference.

6. All persons referred to in article II shall have the right of entry into and exit from Jamaica and no impediment shall be imposed on their transit to and from the Conference area. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the Conference provided the application for the visa is made at least three weeks before the opening of the Conference; if the application is made later, the visa shall be granted not later than three days from the receipt of the application. Arrangements shall also be made to ensure that visas for the duration of the Conference are delivered at Donald Sangster International Airport to participants who are unable to obtain them prior to their arrival. Exit permits, where required, shall be granted free of charge, as speedily as possible and in any case not later than three days before the closing of the Conference.

7. For the purpose of the Convention on the Privileges and Immunities of the United Nations, the Conference premises specified in article III, paragraph 1, above, shall be deemed to constitute premises of the United Nations in the sense of section 3 of the Convention and access thereto shall be subject to the authority and control of the United Nations. The premises shall be inviolable for the duration of the Conference, including the preparatory stage and the winding-up.

8. All persons referred to in article II, above, shall have the right to take out of Jamaica at the time of their departure, without any restriction, any unexpended portions of the funds they brought into Jamaica in connexion with the Conference and to reconvert any such funds at the rate at which they had originally been converted.

9. The Government shall allow the temporary importation, tax and duty-free, of all equipment, including technical equipment accompanying representatives of information

¹ United Nations, *Treaty Series*, vol. 33, p. 261. For the final and revised texts of annexes published subsequently, see vol. 71, p. 318; vol. 79, p. 326; vol. 117, p. 386; vol. 275, p. 298; vol. 314, p. 308; vol. 323, p. 364; vol. 327, p. 326; vol. 371, p. 266; vol. 423, p. 284; vol. 559, p. 348; vol. 645, p. 340; vol. 1057, p. 320, and vol. 1060, p. 337.

² *Ibid.*, vol. 374, p. 147.

media, and shall waive import duties and taxes on supplies necessary for the Conference. It shall issue without delay any necessary import and export permits for this purpose.

Article XII. SETTLEMENT OF DISPUTES

Any dispute between the United Nations and the Government concerning the interpretation or application of this Agreement that is not settled by negotiation or other agreed mode of settlement shall be referred to at the request of either party for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General of the United Nations, one to be named by the Government and the third, who shall be the chairman, to be chosen by the first two; if either party fails to appoint an arbitrator within 60 days of the appointment by the other party, or if these two arbitrators should fail to agree on the third arbitrator within 60 days of their appointment, the President of the International Court of Justice may make any necessary appointments at the request of either party. However, any such dispute that involves a question regulated by the Convention on the Privileges and Immunities of the United Nations shall be dealt with in accordance with section 30 of that Convention.

Article XIII. FINAL PROVISIONS

1. This Agreement may be modified by written agreement between the United Nations and the Government.
2. This Agreement shall enter into force immediately upon signature by the parties and shall remain in force for the duration of the Conference and for such a period thereafter as is necessary for all matters relating to any of its provisions to be settled.

IN FAITH WHEREOF we have appended our signature this third day of December, one thousand nine hundred and eighty-two, to two original copies of the present Agreement in the English language.

For the United Nations:

[Signed]

BERNARDO ZULETA
Under-Secretary-General

Special Representative
to the Secretary-General

For the Government of Jamaica:

[Signed]

Sir EGERTON RICHARDSON
Permanent Representative
to the United Nations

MEMORANDUM OF UNDERSTANDING

In the course of the negotiations between the United Nations and Jamaica relating to the Agreement regarding the arrangements for the final part of the eleventh session of the Third United Nations Conference on the Law of the Sea, an understanding was reached between the representatives of the parties concerning the interpretation and application of Article III, paragraph 4, and Article IX, paragraph 1, as follows: the costs related to the rental, shipping and insurance of the simultaneous interpretation equipment to be provided by the United Nations under a contract concluded with Danish Interpretation Systems Inc.,

and which have been estimated at \$17,800 plus shipping and insurance shall constitute costs of the Conference and shall be fully reimbursable to the United Nations by the Government.

United Nations Headquarters, 3 December 1982

For the United Nations:

[Signed]

BERNARDO ZULETA
Under-Secretary-General

Special Representative
of the Secretary-General

For the Government
of Jamaica:

[Signed]

Sir EGERTON RICHARDSON
Permanent Representative
to the United Nations