

No. 22436

**UNITED NATIONS
(UNITED NATIONS ENVIRONMENT PROGRAMME)
and
JAMAICA**

Agreement regarding the headquarters of the Regional Co-ordinating Unit of the United Nations Environment Programme for the Caribbean Action Plan (with exchange of letters). Signed at New York on 10 November 1983

Authentic text: English.

Registered ex officio on 10 November 1983.

**ORGANISATION DES NATIONS UNIES
(PROGRAMME DES NATIONS UNIES
POUR L'ENVIRONNEMENT)
et
JAMAÏQUE**

Accord relatif au siège de l'Unité de coordination régionale du Programme des Nations Unies pour l'environnement chargée du plan d'action pour le programme de l'environnement des Caraïbes (avec échange de lettres). Signé à New York le 10 novembre 1983

Texte authentique : anglais.

Enregistré d'office le 10 novembre 1983.

AGREEMENT¹ BETWEEN THE UNITED NATIONS AND JAMAICA REGARDING THE HEADQUARTERS OF THE REGIONAL CO-ORDINATING UNIT OF THE UNITED NATIONS ENVIRONMENT PROGRAMME FOR THE CARIBBEAN ACTION PLAN

The United Nations and Jamaica,

Considering that the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946,² to which Jamaica is a party, is *ipso facto* applicable to the United Nations Environment Programme;

Considering that it is desirable to conclude an agreement, complementary to the Convention on the Privileges and Immunities of the United Nations, to regulate questions not envisaged in that Convention arising as a result of the establishment of the headquarters of the Regional Co-ordinating Unit for the Caribbean Action Plan at Kingston, Jamaica;

Have agreed as follows:

Article I. DEFINITIONS

Section 1. In this Agreement,

(a) The expression "UNEP" means the institutional and financial arrangements for the United Nations Environment Programme established by the General Assembly of the United Nations in resolution 2997 (XXVII) of 15 December 1972,³ and such other institutional and financial arrangements as may from time to time be made for the United Nations Environment Programme. The United Nations Environment Programme shall, in particular, in accordance with resolution 2997 (XXVII), include the following:

- (i) The Governing Council of the United Nations Environment Programme;
- (ii) The Executive Director of the United Nations Environment Programme;
- (iii) The Environment Secretariat; and
- (iv) The Environment Fund.

(b) The expression "the Unit" means the headquarters of the Regional Co-ordinating Unit for the Caribbean Action Plan.

(c) The expression "Executive Director" means the Executive Director of UNEP or any officer designated to act on his behalf.

(d) The expression "Director" means the Director of the Unit.

(e) The expression "officials of the Unit" means the officials of the Environment Secretariat forming part of the Unit, namely, the Director and all members of the staff of the Unit, except those who are locally recruited and assigned to hourly rates.

¹ Came into force on 10 November 1983 by signature, in accordance with section 35.

² United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

³ United Nations, *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 30 (A/8730)*, p. 43.

(f) The expression “officials of the Environment Secretariat” means the Executive Director and all members of the staff of UNEP, including the officials of the Unit, except those who are locally recruited and assigned to hourly rates.

(g) The expression “the Government” means the Government of Jamaica.

(h) The expression “appropriate Jamaican authorities” means such government, municipal or other authorities in Jamaica as may be appropriate in the context and in accordance with the laws and customs applicable in Jamaica.

(i) The expression “headquarters” means the office or the premises occupied by the Unit as well as any other offices or premises occupied by the Unit with the concurrence of the Government.

(j) The expression “Member State” means a State which is a Member of the United Nations, or a member of one of the specialized agencies, or a member of the International Atomic Energy Agency, or any other State designated by the General Assembly as eligible to participate in UNEP.

(k) The expression “General Convention” means the Convention on the Privileges and Immunities of the United Nations, approved by the General Assembly of the United Nations on 13 February 1946.

Article II. THE HEADQUARTERS

Section 2. (a) The Government grants to the United Nations, and the United Nations accepts from the Government, the permanent use and occupation of a headquarters, the location of which shall be defined in a supplemental agreement to be concluded between the United Nations and the Government.

(b) The headquarters shall not be removed unless the United Nations should so decide. Any transfer of the headquarters temporarily to another place shall not constitute a removal of the permanent headquarters unless there is an express decision by the United Nations to that effect.

(c) Any location in or outside of Kingston which is temporarily used with the concurrence of the Government for meetings convened by the Unit shall be included in the headquarters.

(d) The appropriate Jamaican authorities shall take whatever action may be necessary to ensure that the Unit shall not be dispossessed of all or any part of the headquarters without the express consent of the United Nations.

Section 3. (a) The United Nations shall for official purposes have the authority to install and operate a radio sending and receiving station or stations to connect at appropriate points and exchange traffic with the United Nations radio network. The United Nations as a telecommunications administration will operate its telecommunications services in accordance with the International Telecommunication Convention and the Regulations annexed thereto.¹ The frequencies used by these stations will be communicated by the United Nations to the Government and to the International Frequency Registration Board.

(b) The Government shall, upon request, grant to the Unit for official purposes appropriate radio and other telecommunications facilities in conformity with the technical arrangements to be made with the International Telecommunications Union.

¹ United Kingdom, *Treaty Series*, No. 74 (1961), Cmnd. 1484.

Section 4. The Unit may establish and operate research, documentation and other technical facilities. These facilities shall be subject to appropriate safeguards which, in the case of facilities which might create hazards to health or safety or interfere with property, shall be agreed with the appropriate Jamaican authorities.

Section 5. The facilities provided for in sections 3 and 4 may, to the extent necessary for efficient operation, be established and operated outside the headquarters area. The appropriate Jamaican authorities shall, at the request of the Unit, make arrangements, on such terms and in such manner as may be agreed upon by supplemental agreement, for the acquisition or use by the Unit of appropriate premises for such purposes and for the inclusion of such premises in the headquarters.

Article III. INVIOIABILITY OF THE HEADQUARTERS

Section 6. (a) The Government recognizes the inviolability of the headquarters, which shall be under the control and authority of the Unit as provided in this Agreement.

(b) Except as otherwise provided in this Agreement or in the General Convention and subject to any regulations enacted under paragraph *(d)* hereof, the laws of Jamaica shall apply within the headquarters.

(c) Except as otherwise provided in this Agreement or in the General Convention, the courts or other appropriate organs of Jamaica shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the headquarters.

(d) The Unit shall have the power to make regulations operative throughout the headquarters for the purpose of establishing therein the conditions in all respects necessary for the full execution of its functions. No provision of the laws of Jamaica which is inconsistent with a regulation of the Unit authorized by this paragraph shall, to the extent of such inconsistency, be applicable within the headquarters. Any dispute between the Unit and the Government as to whether a regulation of the Unit is authorized by this paragraph, or as to whether a provision of the laws of Jamaica is inconsistent with any regulation of the Unit authorized by this paragraph shall be promptly settled by the procedure set out in section 24. Pending such settlement, the regulation of the Unit shall apply and the provision shall be inapplicable in the headquarters to the extent that the Unit claims it to be inconsistent with the regulation of the Unit.

Section 7. (a) The headquarters shall be inviolable. No officer or official of the Government shall enter the headquarters to perform any duties therein except with the consent of, and under conditions approved by, the Director. The service of legal process, including the seizure of private property, shall not take place within the headquarters except with the express consent of, and under conditions approved by, the Director.

(b) Without prejudice to the provisions of the General Convention or article X of this Agreement, the Unit shall prevent the headquarters from being used as a refuge by persons who are avoiding arrest under any law of Jamaica, who are required by the Government for extradition to another country, or who are endeavouring to avoid service of legal process.

Article IV. PROTECTION OF THE HEADQUARTERS

Section 8. (a) The appropriate Jamaican authorities shall exercise due diligence to ensure that the tranquility of the headquarters is not disturbed by any person or group of persons attempting unauthorized entry into or creating disturbance in the immediate vicinity of the headquarters, and shall provide on the boundaries of the headquarters such police protection as may be required for these purposes.

(b) If so requested by the Director, the appropriate Jamaican authorities shall provide a sufficient number of police for the preservation of law and order in the headquarters.

Article V. PUBLIC SERVICES IN THE HEADQUARTERS

Section 9. (a) The appropriate Jamaican authorities shall exercise, to the extent requested by the Executive Director, their respective powers to ensure that the headquarters shall be supplied with the necessary public services, including, without limitation by reason of this enumeration, electricity, water, sewerage, gas, post, telephone, telegraph, local transportation, drainage, collection of refuse and fire protection, and that such public services shall be supplied on equitable terms.

(b) In the cases of *force majeure* resulting in a complete or partial interruption of aforesaid services, the Unit, in the performance of its functions, shall be accorded the priority, if any, given to essential agencies of the Government.

(c) The Director shall, upon request, make suitable arrangements to enable duly authorized representatives of the appropriate public services bodies to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers within the headquarters under conditions which shall not unreasonably disturb the carrying out of the functions of the Unit.

(d) In respect of the services maintained by the Government, or by the agencies subject to Government supervision, the Unit shall avail itself of the reduced tariffs, if any, granted to other Governments, including their diplomatic missions, and to the Government offices.

Article VI. COMMUNICATIONS AND PUBLICATIONS

Section 10. (a) All official communications directed to the Unit or to any officials of the Environment Secretariat, at the headquarters of the seat, and all outward official communications of the Unit, by whatever means or in whatever form transmitted, shall be immune from censorship and from any other form of interception or interference with their privacy. Such immunity shall extend, without limitation by reason of this enumeration, to publications, still and moving pictures, films and sound recordings.

(b) The Unit shall have the right to use codes and to dispatch and receive correspondence and other official communications by courier or in sealed bags, which shall have the same privileges and immunities as diplomatic couriers and bags.

Section 11. Subject to any relevant provisions of the laws of Jamaica, and any international conventions to which Jamaica is a party, the Unit shall have the right freely to publish and broadcast within Jamaica in fulfilment of its purpose.

Article VII. FREEDOM FROM TAXATION

Section 12. (a) The Unit, its assets, income and other property shall be exempt from all forms of direct taxes, provided, however, that such tax exemption shall not extend to the owner or lessor of any property rented by the Unit and that the Unit will not claim exemption from taxes which are, in fact, no more than charges for public utility services.

(b) While the Unit will not generally claim exemption from taxes which constitute part of the cost of goods purchased by or services rendered to the Unit, including rentals, nevertheless, when the Unit is making important purchases for official use on which such taxes or duties have been charged or are chargeable, the Government shall, whenever possible, make appropriate administrative arrangements for the remission or refund of such taxes or duties. With respect to such taxes or duties, the Unit shall at all times enjoy at least the same exemptions and facilities as are granted to Jamaican governmental administrations or to chiefs of diplomatic missions accredited to Jamaica, whichever are the more favourable.

(c) In any transaction to which the Unit is a party, the Unit shall be exempt from all taxes, recording fees, and documentary taxes.

(d) Articles imported or exported by the Unit for official purposes shall be exempt from customs duties and other levies, and from prohibitions and restrictions on imports and exports.

(e) The Unit shall be exempt from customs duties and other levies, prohibitions and restrictions on the importation of service automobiles, and spare parts thereof, required for its official purposes.

(f) Articles imported in accordance with sub-sections (d) and (e) of this section may be sold by the Unit in Jamaica after their importation or acquisition, subject to the relevant laws of Jamaica.

Article VIII. FINANCIAL FACILITIES

Section 13. (a) Without being subject to any financial controls, regulations or moratoria of any kind, the Unit may freely:

- (i) Purchase any currencies through authorized channels and hold and dispose of them;
- (ii) Operate accounts in any currency;
- (iii) Purchase through authorized channels, hold and dispose of funds, securities and gold;
- (iv) Transfer its funds, securities, gold and currencies to or from Jamaica, to or from any other country, or within Jamaica.

(b) The Government shall employ its best endeavours to enable the Unit to obtain the most favourable conditions as regards exchange rates, banking commissions in exchange transactions and the like.

(c) The Unit shall, in exercising its rights under this section, pay due regard to any representations made by the Government in so far as effect can be given to such representations without prejudicing the interests of the Unit.

Article IX. SOCIAL SECURITY AND PENSION FUND

Section 14. The United Nations Joint Staff Pension Fund shall enjoy legal capacity in Jamaica and shall enjoy the same exemptions, privileges and immunities as the Unit itself.

Section 15. The Unit shall be exempt from all compulsory contributions to, and officials of the Environment Secretariat shall not be required by the Government to participate in, any social security scheme of Jamaica.

Article X. TRANSIT AND RESIDENCE

Section 16. (a) The Government shall take all necessary measures to facilitate the entry into and sojourn in Jamaican territory and shall place no impediment in the way of the departure from Jamaican territory of the persons listed below; it shall ensure that no impediment is placed in the way of their transit to or from the headquarters seat and shall afford them any necessary protection in transit:

- (i) Representatives of Member States, their families and other members of their households, as well as clerical and other auxiliary personnel and the spouses and dependent children of such personnel;
- (ii) Officials of the Environment Secretariat, their families and other members of their households;
- (iii) Officials of the United Nations or of one of the specialized agencies or of the International Atomic Energy Agency, attached to the Unit, and those who have official business with the Unit, and their spouses and dependent children;
- (iv) Representatives of other organizations with which UNEP or the Unit has established official relations, who have official business with the Unit;
- (v) Persons, other than officials of the Environment Secretariat, performing missions authorized by UNEP or the Unit or serving on committees or other subsidiary organs of the Unit, and their spouses;
- (vi) Representatives of the press, radio, film, television or other information media who have been accredited to the Unit in its discretion after consultation with the Government;
- (vii) Representatives of other organizations or other persons invited by the Unit to the headquarters seat on official business. The Director shall communicate the names of such persons to the Government before their intended entry.

(b) This section shall not apply in the case of general interruptions of transportation, which shall be dealt with as provided in section 9 *(b)*, and shall not impair the effectiveness of generally applicable laws relating to the operation of means of transportation.

(c) Visas, where required for persons referred to in this section, shall be granted without charge and as promptly as possible.

(d) No activity performed by any person referred to in sub-section *(a)* in his official capacity with respect to the Unit shall constitute a reason for preventing his entry into or his departure from the territory of Jamaica or for requiring him to leave such territory. In case of abuse of the privileges of residence by

any such person in activities in Jamaica outside his official capacity, the privileges referred to in sub-section (a) shall cease to apply, provided that:

- (i) No proceeding shall be instituted to require any such person to leave Jamaica except with the prior approval of the Minister for the time being responsible for Foreign Affairs of Jamaica;
- (ii) In the case of a representative of a Member State, such approval shall be given only after consultation with the Government of the Member State concerned;
- (iii) In the case of any other person mentioned in sub-section (a) such approval shall be given only after consultation with the Executive Director, and if expulsion proceedings are taken against such person, the Executive Director shall have the right to appear or to be represented in such proceedings on behalf of the person against whom such proceedings are instituted; and
- (iv) Persons who are entitled to diplomatic privileges and immunities under section 23 shall not be required to leave Jamaica otherwise than in accordance with the customary procedure applicable to members, having comparable rank, of the staffs of chiefs of diplomatic missions accredited to Jamaica.

(e) This section shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this section come within the classes described in sub-section (a), or the reasonable application of quarantine and health regulations.

Article XI. REPRESENTATIVES TO THE UNIT

Section 17. Representatives of Member States to meetings of or convened by the Unit, and those who have official business with the Unit, shall, while exercising their functions and during their journey to and from Jamaica, enjoy the privileges and immunities provided in article IV of the General Convention.

Section 18. The Director shall communicate to the Government a list of persons within the scope of this article and shall revise such list from time to time as necessary.

Article XII. OFFICIALS AND EXPERTS OF THE ENVIRONMENT SECRETARIAT

Section 19. Officials of the Environment Secretariat shall enjoy within and with respect to Jamaica the following privileges and immunities:

- (a) Immunity from legal process of any kind in respect of words spoken or written, and of acts performed by them in their official capacity, such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the Environment Secretariat or the Unit;
- (b) Immunity from inspection and seizure of personal and official baggage, except in cases of *flagrante delicto*. In such case the appropriate Jamaican authorities shall immediately inform the Executive Director. Inspections shall in the case of personal baggage be conducted only in the presence of the official or his authorized representative, and in the case of official baggage, in the presence of an authorized representative of the Unit;
- (c) Exemption from taxation in respect of the salaries, emoluments, indemnities and pensions paid to them by UNEP or the Unit for services past or present or in connexion with their service with UNEP or the Unit;

- (d) Exemption from any form of taxation on income derived by them from sources outside Jamaica;
- (e) Exemption from registration fees in respect of their automobiles;
- (f) Exemption, with respect to themselves, their spouses, their dependent relatives and other members of their households, from immigration restrictions and alien registration;
- (g) Exemption from national service obligations, provided that, with respect to Jamaican nationals, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Executive Director and approved by the Government; provided further that should officials, other than those listed, who are Jamaican nationals, be called up for national service, the Government shall, upon request of the Executive Director, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption of the essential work of the Unit;
- (h) The right to purchase petrol free of duty for their vehicles on similar terms as accorded to members of diplomatic missions accredited to Jamaica;
- (i) Freedom to acquire or maintain within Jamaica or elsewhere foreign securities, foreign currency accounts, and other movables and the right to take the same out of Jamaica through authorized channels without prohibition or restrictions;
- (j) Freedom to purchase one dwelling house within Jamaican territory for strictly personal use and in the event of sale of such house, the right to take out of Jamaica, through authorized channels, the proceeds of the sale of such house in transferable currency provided that the procedural requirements obtaining in such transactions are observed;
- (k) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members, having comparable rank, of the staffs of chiefs of diplomatic missions accredited to Jamaica;
- (l) The right to import for personal use, free of duty and other levies, prohibitions and restrictions on imports:
 - (i) Their furniture, household and personal effects, in one or more separate shipments, and thereafter to import necessary additions to the same;
 - (ii) In accordance with the relevant laws of Jamaica, one automobile, every three years, and in cases where the official is accompanied by dependents, a second automobile on the basis of representations to the Government by the Director; however, where the Director and the Government agree, in particular cases, replacement may take place at an earlier date in the event of loss, extensive damage or otherwise;
 - (iii) Reasonable quantities of certain articles including liquor, tobacco, cigarettes and foodstuffs, for personal use or consumption and not for gift or sale;
- (m) Automobiles imported in accordance with sub-section (l)(ii) of this section may be sold in Jamaica after their importation, subject to the laws concerning the payment of customs duties;

- (n) Officials of the Environment Secretariat other than officials of the Unit shall not enjoy the privileges, immunities and exemptions provided for in subsections (d), (e), (g), (h), (j), (l), and (m) of this section, it being understood, however, that this limitation is without prejudice to any privilege, immunity or exemption to which they may be entitled under the General Convention;
- (o) Officials of the Unit who are locally recruited shall enjoy only those privileges and immunities provided in the General Convention, it being understood, nevertheless, that such privileges and immunities include exemption from taxation on pensions paid to them by the United Nations Joint Staff Pension Fund;
- (p) The terms and conditions of employment for locally recruited personnel shall be in accordance with the relevant United Nations Regulations and Rules.

Section 20. Without prejudice to the privileges and immunities specified in section 19, the Director and other officials of the Environment Secretariat having the professional grade P-5 and above, and such additional categories of officials of the Unit as may be designated, in agreement with the Government, by the Executive Director in consultation with the Secretary-General of the United Nations on the ground of the responsibilities of their positions in the Unit, shall be accorded the same privileges and immunities, exemptions and facilities as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic missions accredited to Jamaica.

Section 21. Experts (other than officials coming within the scope of sections 19 and 20) performing missions authorized by, serving on committees or other subsidiary organs of, or consulting at its request in any way with, the Unit, shall enjoy, within and with respect to Jamaica, the following privileges and immunities so far as may be necessary for the effective exercise of their functions:

- (a) Immunity in respect of themselves, their spouses and their dependent children from personal arrest or detention and from seizure of their personal and official baggage except in cases of *flagrante delicto*. In such cases the appropriate Jamaican authorities shall immediately inform the Executive Director. Inspection shall in the case of personal baggage be conducted only in the presence of the expert or his authorized representative and in the case of official baggage, in the presence of an authorized representative of the Unit;
- (b) Immunity from legal process of any kind with respect to words spoken or written, and all acts done by them in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned may no longer be employed on missions for, serving on committees of, or acting as consultants for, the Unit, or may no longer be present at the headquarters seat or attending meetings convened by the Unit;
- (c) Inviolability of all papers, documents and other official material;
- (d) The right, for the purpose of all communications with the Unit, to use codes and to dispatch or receive papers, correspondence or other material by courier or in sealed bags;
- (e) Exemption with respect to themselves and their spouses from immigration restrictions, alien registration and national service obligations;

- (f) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members, having comparable rank, of the staffs of chiefs of diplomatic missions accredited to Jamaica;
- (g) The same privileges with respect to currency and exchange restrictions as are accorded to representatives of foreign governments on temporary official missions; and
- (h) The same immunities and facilities with respect to their personal and official baggage as the Government accords to members, having comparable rank, of the staffs of chiefs of diplomatic missions accredited to Jamaica;
- (i) Where the incidence of any form of taxation depends upon residence, periods during which the persons designated in this section may be present in Jamaica for the discharge of their duties shall not be considered as periods of residence; in particular, such persons shall be exempt from taxation on their salaries and emoluments received from the Unit during such periods of duty.

Section 22. (a) The Director shall communicate to the Government a list of the officials of the Unit and experts within the scope of this article and shall revise such list from time to time as may be necessary.

(b) The Government shall furnish persons within the scope of this section with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all Jamaican authorities.

Article XIII. SETTLEMENT OF DISPUTES

Section 23. The Director shall make provision for appropriate methods of settlement of:

- (a) Disputes arising out of contracts and disputes of a private law character to which the Unit is a party; and, in consultation with the Government;
- (b) Disputes involving an official of the Environment Secretariat who, by reason of his official position, enjoys immunity, if such immunity has not been waived.

Section 24. Any dispute between the Unit and the Government concerning the interpretation or application of this Agreement or of any supplemental agreement, or any question affecting the headquarters or the relationship between the Unit and the Government, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators: one to be chosen by the Executive Director, one to be chosen by the Minister for the time being responsible for Foreign Affairs of Jamaica and the third, who shall be chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third within six months following the appointment of the first two arbitrators, such third arbitrator shall be chosen by the President of the International Court of Justice at the request of the Secretary-General of the United Nations or the Government.

Article XIV. GENERAL PROVISIONS

Section 25. Without prejudice to the privileges and immunities accorded by this Agreement, it is the duty of all persons enjoying such privileges and

immunities to respect the laws and regulations of Jamaica. They also have a duty not to interfere in the internal affairs of Jamaica.

Section 26. (a) The facilities, privileges and immunities granted by this Agreement are granted in the interests of the Unit and not for personal benefit.

(b) The immunities granted by section 17 may be waived by the Member State concerned.

(c) The immunities granted by sections 19, 20 and 21 shall be waived by the Secretary-General of the United Nations whenever in his opinion such immunity would impede the course of justice and can be waived without prejudice to the interests of the Unit.

(d) Should the Government consider that an abuse of a privilege or immunity conferred by this Agreement has occurred, the Executive Director shall, upon request, consult with the appropriate authorities to determine whether any such abuse has occurred.

Section 27. This Agreement shall be applicable irrespective of the relations existing between the Governments of the persons referred to in sections 16 (a) and 17 and the Government of Jamaica.

Section 28. Whenever this Agreement imposes obligations on the appropriate Jamaican authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.

Section 29. The provisions of this Agreement shall be complementary to the provisions of the General Convention. In so far as any provision of this Agreement and any provision of the General Convention relate to the same subject matter, the two provisions shall, wherever possible, be treated as complementary, so that both provisions shall be applicable and neither shall narrow the effect of the other.

Section 30. Without prejudice to the performance of its functions by the Unit in a normal and unrestricted manner the Government may take every preventative measure to preserve the national security and the cultural heritage of Jamaica after consultation with the Executive Director.

Section 31. This Agreement shall be construed in the light of its context and its object and purpose of enabling the Unit at its headquarters in Kingston fully and efficiently to discharge its responsibilities and fulfil its purpose.

Section 32. Consultations with respect to modifications of this Agreement shall be entered into at the request of the United Nations or the Government. Any such modification shall be by mutual consent.

Section 33. The Unit and the Government may enter into such supplemental agreements as may be necessary.

Section 34. This Agreement shall cease to be in force:

- (i) By mutual consent of the United Nations and the Government; or
- (ii) If the permanent headquarters of the Unit is removed from the territory of Jamaica, except for such provisions as may be applicable in connexion with the orderly termination of the operations of the Unit at its permanent headquarters in Jamaica and the disposal of its property therein.

Section 35. This Agreement shall enter into force upon signature by the United Nations and signature by Jamaica.

DONE at New York in the English language on the tenth day of November 1983.

For the United Nations:

[Signed — Signé]¹

For the Government
of Jamaica:

[Signed — Signé]²

EXCHANGE OF LETTERS

I

PERMANENT MISSION OF JAMAICA TO THE UNITED NATIONS

NEW YORK, N.Y.

10th November 1983

Our Ref. No. E/3

Excellency:

I have the honour to transmit the following Note from the Ministry of Foreign Affairs of Jamaica to the United Nations Environment Programme:

“The Ministry of Foreign Affairs of Jamaica presents its compliments to the United Nations Environment Programme and has the honour to refer to Section 2 (a) of the Agreement between Jamaica and the United Nations regarding the Headquarters of the Regional Coordinating Unit of the United Nations Environment Programme for the Caribbean Action Plan which was signed on 10th November 1983. This provision reads as follows:

“ (a) The Government grants to the United Nations, and the United Nations accepts from the Government, the permanent use and occupation of a Headquarters, the location of which shall be defined in a supplemental agreement to be concluded between the United Nations and the Government.”

“In this connection, it is hereby proposed that the Headquarters referred to in the above quoted provision be located in the office block of the Government Conference Centre, and it is confirmed that based on the proposed terms of reference and specifications provided by the United Nations Environment Programme in document UNEP/IG/38/5/Rev.1, the Government of Jamaica for that purpose is willing to provide the United Nations Environment Programme free of charge, with seventeen hundred (1,700) square feet of office space located in the eastern wing of the second floor of the said office block.

“The Government of Jamaica will also provide furniture and fittings to the value of US\$ 68,000 as a once-and-for-all contribution to facilitate the establishment of the Unit.

¹ Signed by Mostafa K. Tolba — Signé par Mostafa K. Tolba.

² Signed by Egerton Richardson — Signé par Egerton Richardson.

“The UNEP/Regional Coordinating Unit will in the usual way make separate arrangements with the management of the Government Conference Centre for use of the main conference facilities for conferences.

“If the foregoing proposals are agreeable to the United Nations Environment Programme it is proposed further that this Note and the reply of the United Nations Environment Programme to that effect, shall constitute the supplemental agreement between the United Nations and the Government of Jamaica, referred to in Section 2 (a) of the above-mentioned Agreement.

“The Ministry of Foreign Affairs of Jamaica avails itself of this opportunity to renew to the United Nations Environment Programme the assurances of its highest consideration.”

Please accept, Excellency, the assurances of my highest consideration.

[Signed]

E. R. RICHARDSON
Ambassador
Permanent Representative of Jamaica
to the United Nations

His Excellency Dr. Mostafa K. Tolba
Executive Director
United Nations Environment Programme

II

UNITED NATIONS ENVIRONMENT PROGRAMME
PROGRAMME DES NATIONS UNIES POUR L'ENVIRONNEMENT
NAIROBI

10 November 1983

Cable Address: UNITERRA, Nairobi
Ref. No.

Dear Mr. Ambassador,

I wish to refer to your letter of 10 November 1983 by which you propose that the Headquarters of the Regional Co-ordinating Unit of the United Nations Environment Programme for the Caribbean Action Plan be located in the Jamaica Conference Centre. That letter reads as follows:

[See letter I]

I confirm that I am in agreement with the proposals contained in your letter and that your letter and this reply shall accordingly constitute the supplemental agreement between the United Nations and the Government of Jamaica referred to in Section 2 (a) of the Agreement between the United Nations and Jamaica regarding the Headquarters of the Regional Co-ordinating Unit of the United

Nations Environment Programme for the Caribbean Action Plan, which was signed on 10 November 1983.

I remain, dear Mr. Ambassador, yours sincerely,

[Signed]

MOSTAFA K. TOLBA
Executive Director

His Excellency Sir Egerton Richardson, C.M.G., O.J.
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Jamaica
to the United Nations
Dag Hammarskjöld Plaza
New York, N.Y.
