

No. 50414*

**United Nations
and
Norway**

Exchange of letters constituting an agreement between the United Nations and the Government of Norway concerning the Website for the United Nations Regular Process. New York, 26 November 2012 and 17 January 2013

Entry into force: *17 January 2013 by the exchange of the said letters, in accordance with its provisions*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *ex officio, 17 January 2013*

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**Organisation des Nations Unies
et
Norvège**

Échange de lettres constituant un accord entre l'Organisation des Nations Unies et le Gouvernement de la Norvège relatif au Mécanisme du site Web de l'Organisation des Nations Unies. New York, 26 novembre 2012 et 17 janvier 2013

Entrée en vigueur : *17 janvier 2013 par l'échange desdites lettres, conformément à ses dispositions*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *d'office, 17 janvier 2013*

* *Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]



**PERMANENT MISSION OF NORWAY
TO THE UNITED NATIONS**

Director Mr Sergei Tarassenko
Division for Ocean Affairs and the Law of the Sea
Room No. DC2-0450
United Nations Headquarters
New York, NY 10017

RECEIVED

FEB - 5 2013

DIVISION FOR OCEAN AFFAIRS
AND THE LAW OF THE SEA

Your ref.:

Our ref.:

Date:

17 January 2013

Dear Mr Tarassenko,

Reference is made to your letter dated 26 November 2012 regarding the development, establishment and operation of a website for the purpose of preparing the First Global Integrated Marine Assessment of the Regular Process (the "Website") at GRID-Arendal in Arendal, Norway, where you proposed that the following terms shall apply with respect to the Website;

(a) The Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly on 13 February 1946 (the "Convention"), to which Norway acceded on 18 August 1947, shall be applicable with respect to the Website. In particular;

(i) The Website and its contents, as property and assets of the United Nations, shall enjoy immunity from every form of legal process in Norway except insofar as, in any particular case, the United Nations has expressly waived the immunity. It is, however, understood that no waiver of immunity shall extend to any measures of execution;

(ii) The Website and its contents, as property and assets of the United Nations, shall be immune from search, requisition, confiscation, expropriation and any other form of interference in Norway, whether by executive, administrative, judicial or legislative action; and

(iii) The Website, and in particular its contents, which shall be considered as part of the archives and documents of the United Nations pursuant to Section 4 of the Convention, shall be inviolable.

(b) All official communications between GRID-Arendal and the

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United Nations shall be accorded the same immunity from censorship and from any other form of interference as accorded to official communications of the United Nations pursuant to the Convention; and
(4 Any dispute concerning the interpretation of this Agreement shall be subject to the relevant terms for dispute settlement under the Convention.

I have the honour to confirm that the proposed terms shall apply with respect to the Website and that your letter together with this reply shall constitute an agreement between the United Nations and the Government of Norway concerning the status, privileges and immunities of the Website for the First Global Integrated Marine Assessment of the Regular Process, which shall enter into force on the date of this letter.

Sincerely,



Geir O. Pedersen
Ambassador
Permanent Representative

United Nations  Nations Unies

HEADQUARTERS - SIEGE NEW YORK, NY 10017
TEL.: 1 (212) 963.3951 - FAX: 1 (212) 963.5847

REFERENCE: Regular Process Website

26 November 2012

Excellency,

I have the honour to refer to resolution 65/37 B of 4 April 2011, in which the General Assembly requested the Secretary-General to explore, in consultation with the Group of Experts of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (the "Regular Process"), the establishment of appropriate means to address the communication requirements of the Regular Process, having in mind the need to avoid duplication of efforts (paragraph 2).

The General Assembly also requested the Secretary-General, upon the request of the Group of Experts and in line with paragraph 211 of resolution 65/37 A of 7 December 2010, to facilitate the use of appropriate data handling and information schemes within the United Nations system, drawing on the experiences, existing systems and support of other United Nations specialized agencies and programmes (paragraph 4). Paragraph 211 of resolution 65/37 A requested the Secretary-General to invite the United Nations Environment Programme, among others, to provide technical and scientific support to the Regular Process.

In this regard, the secretariat of the Regular Process, represented by the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations (the "United Nations") and GRID-Arendal, a Norwegian foundation, intend to enter into a Memorandum of Understanding (MOU) for the development, establishment and operation of a website for the purpose of preparing the First Global Integrated Marine Assessment of the Regular Process (the "Website") at GRID-Arendal in Arendal, Norway. Pursuant to that MOU, inter alia:

His Excellency
Mr. Geir O. Pedersen
Permanent Representative of Norway
to the United Nations
New York

- (a) The Website shall be developed, established and operated at GRID-Arendal, in Arendal, Norway, under the auspices of the United Nations;
- (b) The Website shall be financed through voluntary funding from the Member States and it shall be provided free-of-charge to the United Nations;
- (c) The United Nations shall administer the Website and monitor the material and content that is to be posted on the Website;
- (d) GRID-Arendal shall be responsible for the maintenance of the Website; and
- (e) The Parties shall cooperate to ensure the uninterrupted operation of the Website.

With the present letter, I wish to propose that the following terms shall apply with respect to the Website:

- (a) The Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly on 13 February 1946 (the "Convention"), to which Norway acceded on 18 August 1947, shall be applicable with respect to the Website. In particular:
 - (i) The Website and its contents, as property and assets of the United Nations, shall enjoy immunity from every form of legal process in Norway except insofar as, in any particular case, the United Nations has expressly waived the immunity. It is, however, understood that no waiver of immunity shall extend to any measures of execution;
 - (ii) The Website and its contents, as property and assets of the United Nations, shall be immune from search, requisition, confiscation, expropriation and any other form of interference in Norway, whether by executive, administrative, judicial or legislative action; and
 - (iii) The Website, and in particular its contents, which shall be considered as part of the archives and documents of the United Nations pursuant to Section 4 of the Convention, shall be inviolable.
- (b) All official communications between GRID-Arendal and the United Nations shall be accorded the same immunity from censorship and from any other form of interference as accorded to official communications of the United Nations pursuant to the Convention; and

(c) Any dispute concerning the interpretation of this Agreement shall be subject to the relevant terms for dispute settlement under the Convention.

I further propose that upon receipt of your Government's confirmation in writing of the above, this exchange of letters shall constitute an agreement between the United Nations and the Government of Norway concerning the status, privileges and immunities of the Website for the First Global Integrated Marine Assessment of the Regular Process, which shall enter into force on the date of your reply.

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



Patricia O'Brien
Under-Secretary-General for Legal Affairs
The Legal Counsel