



OEA/Ser.D/V.4-71
18 March 1971
Original: English

Limited Distribution

AGREEMENT BETWEEN THE GENERAL SECRETARIAT
OF THE OAS AND THE
GOVERNMENT OF JAMAICA ON THE FUNCTIONING
IN KINGSTON OF THE OFFICE OF THE SECRETARIAT IN JAMAICA

(Signed in Washington, D.C., on March 12, 1971)

ORGANIZATION OF AMERICAN STATES

WASHINGTON, D. C.

GENERAL SECRETARIAT

AGREEMENT BETWEEN
THE GENERAL SECRETARIAT
OF THE ORGANIZATION OF AMERICAN STATES

AND

THE GOVERNMENT OF JAMAICA
ON THE FUNCTIONING IN KINGSTON
OF THE OFFICE OF THE SECRETARIAT IN
JAMAICA

AGREEMENT BETWEEN THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES AND THE GOVERNMENT OF JAMAICA ON
THE FUNCTIONING IN KINGSTON OF THE OFFICE OF THE SECRETARIAT IN
JAMAICA

WHEREAS the Inter-American Committee of Presidential Representatives, in Recommendation No.25, declared that one of the means for strengthening the action of the Organization of American States, in order to make it a constantly more efficient channel of cooperation between the member states, is the establishment of closer ties between the countries of the Hemisphere through mutual knowledge of their cultural, economic, and social characteristics in the American community, adding that a matter of vital importance to the effective functioning of the Organization is to be assured the understanding, support, and participation of the public;

AND WHEREAS to achieve these objectives the Committee in its recommendation advised that the necessary steps be taken to establish properly organized local offices of the General Secretariat in all the member states;

AND WHEREAS in 1969 Jamaica joined the Organization of American States and the Secretary General authorized the establishment of an Office in Jamaica;

AND WHEREAS it is necessary to conclude an agreement in furtherance of the methods of cooperation between the parties and to determine the conditions, facilities, privileges, and immunities that the Government of Jamaica will accord the General Secretariat, with respect to the functioning of that office;

NOW THEREFORE the General Secretariat of the Organization of American States (hereinafter called "the Secretariat") represented by Señor Galo Plaza and the Government of Jamaica (hereinafter called "the Government") represented by Sir Egerton Richardson, Jamaica's Ambassador to the Organization of American States
HAVE AGREED AS FOLLOWS:

PART I

PURPOSE AND FUNCTIONING OF THE OFFICE

Article 1. The Government agrees to the establishment of an Office of the Secretariat in Kingston, Jamaica.

Article 2. The purpose of the Office shall be to serve as a centre for more efficiently promoting and coordinating the activities of the Secretariat.

Article 3. The Office and the staff assigned to it shall be an integral part of the General Secretariat of the Organization of American States.

PART II

STATUS, IMMUNITIES AND PRIVILEGES

Article 4. In accordance with the provisions of the Charter of the Organization of American States, and of the Agreement on Privileges and Immunities of the Organization of American States, the Secretariat and its Office shall enjoy, in the territory of Jamaica, such legal capacity, privileges, and immunities as are necessary for the exercise of their functions and the accomplishment of their purposes, within the limits prescribed in this Agreement.

Article 5. (i) The Secretariat and its Office shall have juridical personality in the territory of Jamaica and shall have legal capacity (a) to make contracts; (b) to acquire and dispose of real and personal property; (c) to institute legal and administrative proceedings, and (d) to carry out any activities inherent in their functions.

(ii) Whenever the Secretariat or the Office initiates a judicial or administrative proceeding, the Secretary General of the Organization of American States shall waive the immunity from jurisdiction recognized in Article 7 of this Agreement in order to facilitate the conclusion of such proceedings. Such waiver may be made at the beginning of the dispute or proceeding in question, and shall in any event have no effect whatever of a general character, being applicable

only in relation to the specific procedures initiated by the Secretariat or the Office.

Article 6. The Secretariat and its Office shall enjoy in Jamaica the independence and freedom of action to which international organizations are entitled according to international custom.

Article 7. The Secretariat and its Office, as well as their property, funds and assets, wherever located and by whomever held, shall enjoy in Jamaica immunity from judicial and administrative process, except in those particular cases in which such immunity is expressly waived by the Secretary General of the Organization of American States. No such waiver, however, shall make the said property, funds and assets subject to any measure of execution.

Article 8. The premises of the Office shall be inviolable. The property of the Secretariat and its Office, including their archives and documents, wherever located and by whomever held, shall be immune from search, seizure, attachment, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Article 9. (i) The Secretariat and its Office, as well as their property, funds and assets shall be exempt from:

(a) all direct or indirect taxes, except such as represent charges for public utility service;

(b) customs duties and prohibitions and restrictions on articles, equipment or working materials that the Office or the Secretariat import or export for their official use or to carry out official programs or projects of the Organization of American States;

(c) customs duties and prohibitions and restrictions on the importation and exportation of their publications.

(ii) In the exercise of the right set forth in the preceding sub-paragraph, the Secretariat and its Office shall pay due regard to any representations made by the Government, to the extent that such representations are consistent with international law, custom or practice.

Article 10. The Secretariat and its Office:

(a) may hold for its own account funds or foreign currency of any kind and operate accounts in any currency; and

(b) shall be free to transfer its funds within or outside of Jamaica and to convert the currency held by them into any other currency.

PART III

FACILITIES REGARDING COMMUNICATIONS AND TRAVEL

Article 11. For their official communications in Jamaica the Secretariat and its Office shall be exempt from censorship of any kind.

Article 12. The Secretariat and its Office shall have the right to use codes, as well as to send and receive correspondence by courier or in sealed pouches, enjoying in that respect the same privileges and immunities as diplomatic mail couriers and pouches.

PART IV

TRAVEL FACILITIES

Article 13. (1) The Government recognizes the Official Travel Document issued by the Secretary General of the Organization of American States as a valid and sufficient document for the travel of officials of the Organization.

(2) The Official Travel Document mentioned in the preceding sub-paragraph does not require a visa for its holder to enter Jamaica and remain therein for the duration of his official mission.

(3) Members of the family forming part of the household of the holder of an Official Travel Document shall be given without delay and without being required to appear personally in the Consulate, Legation, or Embassy of Jamaica, and without the payment of any fee, visas in their passports that will permit them to enter

the national territory and to remain therein. The Government shall take the steps necessary to accomplish this purpose.

PART V

PERSONAL IMMUNITIES, PRIVILEGES AND FACILITIES

Article 14. Subject to the provisions of paragraph (ii) of Article 18, the personnel of the Office shall:

(a) be immune from administrative or legal process of any kind in respect of words spoken or written and all acts performed by them in their official capacity, even when no longer serving in that capacity;

(b) be exempt from taxation and social security contributions on the salaries and emoluments paid to them by the Secretariat or the Office;

(c) be exempt from all national service obligations;

(d) be given together with members of their family forming part of their respective household every facility compatible with the immigration laws;

(e) be allowed to import and export, every three years, free of duty or tax, their furniture, effects and other goods, including for personnel or family use, one automobile, subject to the current laws of the country on the subject.

Article 15. The Government shall not be obliged to accord the privileges and immunities mentioned in sub-paragraphs (c) and (d) of the preceding article to its own nationals, nor those mentioned in sub-paragraph (e), unless, in respect to the latter, such nationals are returning to Jamaica after terminating their services to the Organization.

Article 16. The Director of the Office shall notify the Government of the officials and other staff members who are entitled to the benefits listed in Article 14.

Article 17. Privileges and immunities are granted to the personnel of the Secretariat in the interest of the Secretariat and its Office only. Consequently, the Director of the Office, duly authorized to

do so by the Secretary General of the Organization of American States, shall waive the privileges and immunities of any employee working in Jamaica in any case where, in the judgment of the Secretary General, the exercise thereof would impede the course of justice and when such waiver can be made without prejudice to the interests of the Office and the Secretariat. Waiver shall always be express and in written form.

Article 18. (i) The Secretary General and the Assistant Secretary General of the Organization shall enjoy the privileges, immunities and facilities that are accorded heads of diplomatic missions, and members of their families forming part of their households shall enjoy the privileges, immunities and facilities to the same extent as are enjoyed by members of the family of heads of diplomatic missions.

(ii) The Assistant Secretaries, the Directors, and Deputy Directors of Departments, the Director of the Office, and other Officials of the Secretariat shall, unless they are nationals of Jamaica, enjoy the like privileges, immunities and facilities that are accorded officials of equivalent rank in diplomatic missions.

(iii) Contracted experts engaged on missions on behalf of the Secretariat shall, during the period of their assignments in Jamaica, enjoy the privileges and immunities specified in Article 14.

PART VI

COOPERATION AND SETTLEMENT OF DISPUTES

Article 19. The Secretariat and its Office shall cooperate with the competent authorities of the country to facilitate the proper administration of justice, to see that the police regulations and ordinances are obeyed, and to prevent abuses of the privileges, immunities and facilities mentioned in this Agreement.

Article 20. The Secretariat and its Office shall take whatever steps may be necessary for the appropriate settlement of:

(a) disputes arising out of contracts or other disputes of a private-law character to which the Secretariat or its Office is a party; and,

(b) disputes involving any employee of the Secretariat or its Office with reference to which immunity is enjoyed provided that the Director, duly authorized for this purpose by the Secretary General of the Organization of American States, shall not have waived this immunity in accordance with Article 17.

PART VII

GENERAL PROVISIONS

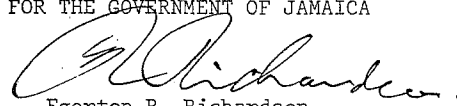
Article 21. This Agreement may be modified or expanded at the request of either party after prior consultation on the proposed modification or expansion, and provided both parties agree.

Article 22. This Agreement shall enter into force on the day it is signed by both parties.

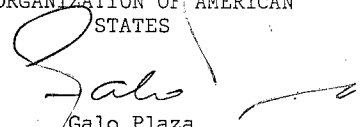
Article 23. Either of the parties may terminate this Agreement by notifying the other in writing one year in advance.

IN WITNESS WHEREOF the undersigned have signed this Agreement in duplicate at Washington, D. C., United States of America on this 12th day of March, one thousand nine hundred and seventy one.

FOR THE GOVERNMENT OF JAMAICA


Egerton R. Richardson
Ambassador, Representative of Jamaica
to the OAS

FOR THE GENERAL SECRETARIAT OF
THE ORGANIZATION OF AMERICAN
STATES


Galo Plaza
Secretary General

