

**AGREEMENT BETWEEN
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES AND
THE BAHAMAS PARLIAMENTARY REGISTRATION DEPARTMENT
ON THE ELECTORAL OBSERVATION PROCESS OF THE
2021 GENERAL ELECTIONS IN
THE COMMONWEALTH OF THE BAHAMAS**

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The Parties, the Bahamas Parliamentary Registration Department (hereinafter referred to as the "Registration Department") and the General Secretariat of the Organization of American States (hereinafter referred to as the "General Secretariat"):

CONSIDERING:

THAT on the 2nd day of September 2021, the Government of the Commonwealth of The Bahamas (hereinafter referred to as the "Government"), through its Governor-General, invited the Secretary General of the Organization of American States (hereinafter referred to as the "Secretary General") to send an OAS Electoral Observation Mission (hereinafter referred to as the "Mission") to the Commonwealth of The Bahamas for the purpose of observing the General Elections to be held on September 16, 2021 (hereinafter referred to as the "General Election");

THAT in Resolution AG/RES. 991 (XIX-O/89), the General Assembly of the Organization of American States recommended to the Secretary General that "when a member state so requests in the exercise of its sovereignty, missions should be organized and sent to said state to monitor the development, if possible at all stages, of each of its electoral processes";

THAT Article 24 of the Inter-American Democratic Charter states:

The electoral observation missions shall be carried out at the request of the member state concerned. To that end, the government of that state and the Secretary General shall enter into an agreement establishing the scope and coverage of the electoral observation mission in question. The member state shall guarantee conditions of security, free access to information, and full cooperation with the electoral observation mission.

Electoral observation missions shall be carried out in accordance with the principles and norms of the OAS. The Organization shall ensure that these missions are effective and independent and shall provide them with the necessary resources for that purpose. They shall be conducted in an objective, impartial, and transparent manner and with the appropriate technical expertise; and

THAT in a letter dated September 3rd, 2021, the Secretary General responded affirmatively to the Government's request and arranged to send the Mission to The Bahamas with the objective of observing the General Elections on September 16, 2021;

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

First: Guarantees

- a) The Registration Department shall guarantee the Mission access to all facilities for the adequate fulfillment of the observation of the elections on September 16, 2021 in the Commonwealth of The Bahamas, in accordance with the relevant laws and standards of the Commonwealth of The Bahamas and the terms of this Agreement.
- b) The Registration Department shall guarantee the Mission access to all polling stations and other locations and facilities related to the election throughout the national territory of The Bahamas until the official count is tabulated nationally and the General Elections process is concluded.
- c) The Registration Department shall guarantee the Mission complete access to the locations in which the process of counting and tabulating votes will take place both before and during this process.
- d) The Registration Department shall guarantee that its authorities will be duly instructed so that the observers and members of the Mission (hereinafter referred to as "Members") are granted complete access to all of the Registration Department's installations, as well as to timely information regarding the development and progress of the election calendar.
- e) The Registration Department shall guarantee the Mission access to all electoral bodies responsible for vote counting and tabulation. Similarly, the Electoral Commission shall permit the Mission to conduct any evaluations deemed necessary of the voting system and of the communication utilized to transmit electoral results. At the same time, the Electoral Commission will guarantee complete access to the complaints process and quality controls that occur before and after the process and are of interest to the Mission.
- f) The Registration Department further guarantees the Mission access to all polling stations and other bodies throughout the territory of The Bahamas. Upon request of the Mission, the Registration Department guarantees to make available by the end of the voting process and before the closing of the polling stations, copies of all documents printed electronically.

Second: Information

- a) The Registration Department shall furnish the Mission with all information related to the organization, direction, and supervision of the electoral process.

The Mission may request of the Registration Department such additional information as is necessary for the exercise of the Mission's functions, and the Registration Department shall promptly furnish all such information.

- b) The Mission shall inform the Registration Department about any irregularities and/or interference, which the Mission might observe or of which the Mission might learn. Similarly, the Mission may request that the Registration Department provide any information regarding the measures which the Registration Department will take in relation to such irregularities, and the Registration Department shall promptly furnish all such information.
- c) The Registration Department shall provide the Mission with information related to the electoral list and other electoral data referring to the same. Similarly, the Registration Department shall provide all other information related to the computer systems used on the day of the General Election and shall offer demonstrations of the systems' operation to the Mission.

Third: Protective Equipment Regarding Exposure to Covid-19

- a) The Registration Department shall provide the Members with sufficient personal protective equipment (PPE) to prevent their exposure to Covid-19 during their stay in The Bahamas.
- b) The Registration Department and the General Secretariat shall agree on what constitutes sufficient PPE before the arrival of the Mission in The Bahamas.

Fourth: General Provisions

- a) The Secretary General will designate a Chief of Mission, to represent the Mission and its Members before the Registration Department and before the Government of The Bahamas.
- b) The General Secretariat will communicate to the Parliamentary Commissioner of the Parliamentary Registration Department the names of the persons who will comprise the Mission, who will be duly identified with an identification credential issued by the General Secretariat and by the Registration Department, produced especially for the Mission.
- c) The Mission will act impartially, objectively, and independently in the fulfillment of its mandate.
- d) The General Secretariat will send to the leadership of the Parliamentary Registration Department a copy of the final report of the Mission following the General Election.

- e) The Registration Department will make known and disseminate the contents of this Agreement among all electoral bodies and among all personnel involved in the electoral process.

Fifth: **Privileges and Immunities**

Nothing in this Agreement shall be construed as an express or implied waiver of the privileges and immunities of the OAS, the GS/OAS, its organs, its personnel, and its assets under the Charter of the OAS, whose instrument of ratification was deposited by the Government of the Commonwealth of The Bahamas on March 3, 1982; under the Agreement between the General Secretariat of the OAS and the Government of the Commonwealth of The Bahamas on the Functioning of the Office of the General Secretariat of the Organization of American States and Recognition of its Privileges and Immunities, signed by the Parties on May 29, 1997; and under the Agreement between the Government of the Commonwealth of The Bahamas and the General Secretariat of the Organization of American States Regarding the Privileges and Immunities of the OAS Electoral Observation Mission for the 2021 General Elections; or under international law.

Sixth: **Resolution of Disputes**

The Parties shall attempt to resolve through direct negotiations any disputes arising in relation to the interpretation and/or implementation of this Agreement. If the negotiations do not result in the resolution of the dispute, the matter shall be submitted to a dispute resolution procedure mutually agreed to by the duly authorized representatives of the Parties.

Seventh: **Amendments**

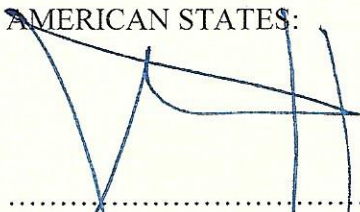

Amendments to this Agreement shall be made in writing and signed by the duly authorized representatives of the Parties and attached hereto.

Eighth: **Entry into Force and Termination**

This Agreement shall enter into force on the date and upon the signature of the duly authorized representatives of the Parties. This Agreement shall remain in force until the Mission has concluded all of its observation mission duties related to the 2021 General Elections in The Bahamas.

This Agreement may be terminated by either Party with or without cause. Termination must be effected by means of no less than five days written notice to the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Agreement in duplicate on the date and locations indicated below.

<p>FOR THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES:</p>  <p>.....</p> <p>Luis Almagro Lemes Secretary General Organization of American States Washington DC, USA</p> <p>Date: <u>9th September 2021</u></p>	<p>FOR THE PARLIAMENTARY REGISTRATION DEPARTMENT OF THE BAHAMAS</p>  <p>.....</p> <p>Lavado Duncanson Parliamentary Commissioner (ag) Parliamentary Registration Department Nassau, The Bahamas</p> <p>Date: <u>10th September 2021</u></p>
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