

AGREEMENT BETWEEN  
 THE GOVERNMENT OF THE ST. VINCENT AND THE GRENADINES  
 AND THE GENERAL SECRETARIAT OF THE  
 ORGANIZATION OF AMERICAN STATES  
 ON THE PRIVILEGES AND IMMUNITIES OF THE ELECTION PROCESS IN  
 ST. VINCENT AND THE GRENADINES OF DECEMBER 7, 2005

The Parties to this Agreement, the General Secretariat of the Organization of American States (hereinafter the "GS/OAS") and the Government of the St. Vincent and the Grenadines (hereinafter "the Government"),

WHEREAS:

The Government invited the Organization of American States (hereinafter, "the OAS") to support the democratic process in St. Vincent and the Grenadines, in the framework of general elections to be held on December 7, 2005,

The Secretary General of the OAS, in a letter dated October 19, 2005, informed the Government that he accepted the invitation to establish a Group of Observers to conduct an OAS Observer Mission in St. Vincent and the Grenadines (hereinafter "the Group of Observers") for these elections, subject to obtaining the necessary resources to finance the establishment of the OAS Observer Mission in St. Vincent and the Grenadines (hereinafter sometimes referred to as the "Mission" or the "OAS Mission"),

The Group of Observers will be comprised of officials of the GS/OAS and other international observers specifically under contract to the GS/OAS for the OAS Mission,

The basic privileges and immunities enjoyed by the OAS, the GS/OAS, and its staff in St. Vincent and the Grenadines are set out in the Charter of the Organization and in the Agreement between the Government and the GS/OAS for the Establishment and Functioning in St. Vincent and the Grenadines of the Office of the GS/OAS in St. Vincent and the Grenadines of December 6, 1984;

NOW THEREFORE:

The Government and the GS/OAS

HAVE AGREED AS FOLLOWS:

# CHAPTER I:

## PRIVILEGES AND IMMUNITIES OF THE GROUP OF OBSERVERS

### ARTICLE I

The privileges and immunities of the Group of Observers shall be those accorded to the OAS, to the GS/OAS, and to their organs and staff.

### ARTICLE II

1. The property and effects of the Group of Observers, in any part of the territory of St. Vincent and the Grenadines and in possession of any person, shall enjoy immunity against any type of judicial proceeding, save in those specific cases for which said immunity is expressly waived by the Secretary General of the OAS.
2. However, it is understood that said waiver of immunity shall not have the effect of subjecting any such property and effects to any type of measure of execution.

### ARTICLE III

1. The premises occupied by the Group of Observers shall be inviolable.
2. The property and effects of the Group of Observers, in any part of the territory of St. Vincent and the Grenadines and in possession of any person or entity, shall enjoy immunity against search and seizure, confiscation, expropriation and against any form of intervention, be it executive, administrative, judicial or legislative.

### ARTICLE IV

The files of the Group of Observers and all of the documents pertaining thereto or in the possession of any person or entity shall be inviolable wherever they are located.

### ARTICLE V

The Group of Observers shall be:

- a) exempt from any internal taxation, it being understood, however, that they may not claim any type of tax exemption that is in fact a remuneration for public services;
- b) exempt from any type of customs duty, prohibition and restriction in respect of articles and publications that they may import or export for their official use. It is understood, however, that the articles they import duty-free may be sold within the country only in accordance with conditions expressly agreed upon with the Government; and
- c) exempt from ordinances, regulations or moratoria of any kind. Moreover, they may have currency of any type, carry their accounts in any foreign currency and transfer their funds in foreign currency.

## CHAPTER II MEMBERS OF THE GROUP OF OBSERVERS

### ARTICLE VI

The members of the Group of Observers shall be those who have been designated by the GS/OAS and accredited with the St. Vincent and the Grenadines authorities.

### ARTICLE VII

For the period during which the members of the Group of Observers exercise their functions and during their trips to and from St. Vincent and the Grenadines, they shall enjoy the following privileges and immunities:

- a.) Immunity from personal detention or arrest as well as immunity from any type of legal proceeding in respect of their actions and statements, be they oral or written, done in the performance of their functions;
- b.) The inviolability of all papers and documents;
- c.) The right to communicate with the GS/OAS via radio, telephone, telegraph, satellite or other means, and to receive documents and correspondence through messengers or in sealed pouches, enjoying for that purpose the same privileges and immunities accorded to diplomatic mail, messages and pouches;
- d.) The right to utilize for their movements throughout the national territory, any means of transportation, be it by air, by water or over land;
- e.) Exemption in respect of their persons and that of their spouses and children, from any type of immigration restriction and registration of aliens and any type of national service in St. Vincent and the Grenadines;
- f.) The same privileges accorded to the representatives of foreign governments on official mission in respect to foreign-currency restrictions;
- g.) The same immunities and privileges in respect of their personal baggage as are accorded to diplomatic envoys; and
- h.) Such other privileges, immunities and facilities as are compatible with the foregoing, and enjoyed by diplomatic envoys, with the exception that they shall not enjoy any exemption from customs duties on imported merchandise (that is not part of their personal effects) or sales taxes or consumer taxes.

## ARTICLE VIII

The provisions contained in the preceding article do not apply to nationals of St. Vincent and the Grenadines working as local contract staff in the Group of Observers, save in respect of official acts performed or statements issued in the exercise of their functions.

## CHAPTER III

## COOPERATION WITH THE AUTHORITIES

## ARTICLE IX

The Group of Observers shall cooperate with the relevant St. Vincent and the Grenadines authorities to prevent any occurrence of abuse in respect of the specified privileges and immunities. Similarly, the relevant authorities shall do whatever is possible to provide the cooperation requested of them by the Group of Observers.

## ARTICLE X

Without prejudice to the immunities and privileges accorded, the Group of Observers shall respect the laws and regulations existing in St. Vincent and the Grenadines.

## ARTICLE XI

The Government and the OS/CAS shall take any measures necessary to procure an amicable arrangement in the proper settlement of:

- a) Any disputes that may arise in contracts or other questions of private law;
- b) Any disputes to which the Group of Observers may be party with respect to matters in which they enjoy immunity.

## CHAPTER IV

## NATURE OF PRIVILEGES AND IMMUNITIES

## ARTICLE XII

1. The privileges and immunities are granted to the members of the Group of Observers in order to safeguard their independence in the exercise of their functions of observing the St. Vincent and the Grenadines Election Process and not for personal gain or to perform activities of a political nature within the territory of St. Vincent and the Grenadines.

2. The Secretary General of the OAS may waive the privileges and immunities of any of the members of the Group of Observers who, in his judgment, in the exercise of those privileges and immunities obstruct the course of justice and so long as the Secretary General determines that such waiver does not prejudice the interests of the OAS or of the GS/OAS.

## CHAPTER V

### GENERAL PROVISIONS

#### ARTICLE XIII

1. The Government recognizes the "Official Travel Document" issued by the GS/OAS as a valid and sufficient document for purposes of travel by the members of the Group of Observers who possess one.
2. The Government shall issue to each member of the Group of Observers a visa to enter the country and to remain therein until the end of the OAS Mission.

#### ARTICLE XIV

The Government agrees to extend the privileges and immunities of the present Agreement to members of the Group of Observers designated by the GS/OAS, who have been accredited by the St. Vincent and the Grenadines.

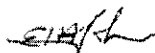
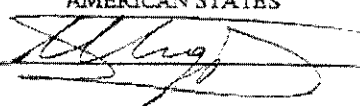
#### ARTICLE XV

This agreement may be amended by mutual consent in writing by the duly authorized representatives of the Government and of the GS/OAS.

#### ARTICLE XVI

This agreement shall enter into force on the date of its signature and shall cease to have effect once the members of the Group of Observers have completed the Mission, in accordance with the terms of the request made by the Government.

IN WITNESS WHEREOF, the undersigned, duly authorized, do hereby sign this agreement, in duplicate, in the city of (insert city), on the 10<sup>th</sup> day of the month of May in the year two thousand five.

<p style="text-align: center;">FOR THE GOVERNMENT OF ST. VINCENT AND THE GRENADINES</p> <p style="text-align: center;"></p>	<p style="text-align: center;">FOR THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES</p> <p style="text-align: center;"></p>
--	---