

**AGREEMENT
BETWEEN
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
AND
THE ELECTORAL COMMISSION OF DOMINICA
ON THE ELECTORAL OBSERVATION PROCESS OF THE
2019 GENERAL ELECTIONS IN THE COMMONWEALTH OF
DOMINICA**

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The Parties, the Electoral Commission of Dominica (hereinafter referred to as the “Electoral Commission”) and the General Secretariat of the Organization of American States (hereinafter referred to as the “General Secretariat”);

WHEREAS:

On the 25th day of November 2019, the Government of the Commonwealth of Dominica (hereinafter referred to as “the Government”), through its Prime Minister, invited the Secretary General of the Organization of American States (hereinafter referred to as the “Secretary General”) to send an Electoral Observation Mission (hereinafter referred to as “the Mission”) to Dominica for the purpose of observing the General Elections to be held on December 6th, 2019 (hereinafter referred to as the “General Elections”);

Through 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;”

Article 24 of the Inter-American Democratic Charter states in pertinent part as follows:

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.

The Organization of American States (OAS) endorsed the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers, commemorated on October 27th, 2005 at the United Nations in New York, and by whose principles OAS Electoral Observation Missions are guided, in keeping with the Manual for OAS Electoral Observation Missions; and

By way of letter dated November 25th, 2019, the Secretary General responded affirmatively to the Government's request and agreed to arrange to send the Mission with the objective of observing the General Elections;

AGREE AS FOLLOWS:

First: Guarantees

a) The Electoral Commission shall guarantee the Mission access to all facilities for the adequate fulfillment of the observation of the General Elections, in accordance with the relevant laws and standards of Dominica and the terms of this Agreement.

b) The Electoral Commission shall guarantee that its authorities will be duly instructed so that the Mission is granted complete access to all of its installations, as well as to timely information regarding the development and progress of the election calendar.

c) The Electoral Commission, on the day of the General Elections, shall guarantee the Mission complete access to voting locations, from the installation of the polling stations until the official count is tabulated nationally.

d) The Electoral Commission 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 by the Mission of the voting system and of the communications utilized to transmit electoral results. At the same time, the Electoral Commission shall guarantee the Mission complete access to the complaints process and quality controls that occur before and after the electoral process that are of interest to the Mission.

e) The Electoral Commission shall guarantee the Mission access to all polling stations throughout the national territory of Dominica.

f) The Elections Office shall guarantee the Mission access to information on the provisional tabulation and the final tabulation of results, and shall guarantee access by members of the Mission to the respective vote counting centers, as well as copies of documents printed electronically.

Second: Information

a) The Electoral Commission will furnish the Mission with all information related to the organization, direction and supervision of the electoral process. The Mission may request of the Electoral Commission such additional information as is necessary for the exercise of the Mission's functions, and the Electoral Commission shall promptly furnish all such information.

b) The Mission may inform the Electoral Commission 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 Electoral Commission provide any information regarding the measures which the Electoral Commission may take in relation to such irregularities, and the Electoral Commission shall promptly furnish all such information.

c) The Electoral Commission shall provide the Mission with information related to the electoral list and other electoral data referring to the same. Similarly, the Electoral Commission shall provide all other information related to the computer systems used on Election Day, and shall offer demonstrations of the systems' operation to the Mission.

Third: **General Provisions**

a) The Secretary General will designate a Chief of Mission, to represent the Mission and its members before the Electoral Commission and before the Government.

b) The General Secretariat will communicate to the Chair of the Electoral Commission the names of the persons who will comprise the Mission, who will be duly identifiable through an identification credential issued by the GS/OAS and by the Electoral Commission.

c) The Mission will act impartially, objectively and independently in the fulfillment of its mandate.

d) The General Secretariat will send to the Chair of the Electoral Commission a copy of the final report of the Mission following the General Elections.

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

Fourth: **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 personnel and its assets, under the Charter of the OAS, whose instrument of ratification was deposited by the Government of Dominica on May 22nd, 1979; under the Agreement Between the General Secretariat of the Organization of American States and the Government of the Commonwealth of Dominica 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 November 4th, 1986; under the Agreement between the Government of the Commonwealth of Dominica and the General Secretariat of the Organization of American States Regarding the Privileges and Immunities of the OAS Electoral Observation Mission for the 2019 General Elections, signed by the Parties on December 3, 2019; or under international law.

Fifth: **Resolution of controversies**

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.

Sixth: **Amendments**

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

Seventh: 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 its mandate in respect of the General Elections.

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.

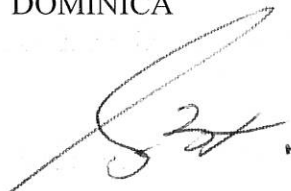
FOR THE GENERAL SECRETARIAT
OF THE ORGANIZATION OF
AMERICAN STATES:


Hubert Ingraham

Chief of Mission
Place: Roseau, Dominica

Date:

FOR THE ELECTORAL COMMISSION OF
DOMINICA


Gerald D. Burton
Chairman
Place: Roseau, Dominica

Date:  03/12/19



Organización de los Estados Americanos
Organização dos Estados Americanos
Organisation des Etats Américains
Organization of American States

ORDEN EJECUTIVA No. 05-06 REV. 1

ANEXO III

DELEGACIÓN DE AUTORIDAD

ACUERDO ENTRE LA COMISION ELECTORAL DE DOMINICA Y
LA SECRETARÍA GENERAL DE LA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS
RELATIVO AL PROCEDIMIENTO DE OBSERVACIÓN DE LAS ELECCIONES
GENERALES A CELEBRARSE EL 6 DE DICIEMBRE DE 2019

Yo, Luis Almagro, Secretario General de la Organización de los Estados Americanos (OEA), por este medio, autorizo a Hubert Ingraham, Jefe de la Misión de Observación Electoral para las Elecciones Generales de Dominica a celebrarse el 6 de diciembre de 2019, a suscribir en nombre y representación de la Secretaría General de la OEA el Acuerdo arriba mencionado.

Esta delegación de autoridad expira el 5 de diciembre de 2019.



Luis Almagro

Lugar: Washington, DC

Fecha: Diciembre 2, 2019