

**AGREEMENT  
BETWEEN  
THE GENERAL SECRETARIAT OF THE  
ORGANIZATION OF AMERICAN STATES  
AND  
THE ELECTORAL OFFICE OF SAINT KITTS AND NEVIS  
ON THE ELECTORAL OBSERVATION PROCESS OF THE  
2010 FEDERAL ELECTIONS IN THE FEDERATION OF SAINT KITTS AND NEVIS**

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The Parties, the Electoral Office of Saint Kitts and Nevis (hereinafter referred to as the “Electoral Office”) and the General Secretariat of the Organization of American States (hereinafter referred to as the “General Secretariat”);

***CONSIDERING:***

THAT on the 13<sup>th</sup> day of August 2009, the Government of the Federation of Saint Kitts and Nevis (hereinafter referred to as “the Government”), 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 the Federation of Saint Kitts and Nevis for the purpose of witnessing the Federal Elections to be held on January 25th, 2010 (hereinafter referred to as the “Federal Elections”);

THAT in Resolution AG/RES. 991 (XIX-O/89), the General Assembly of the OAS 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 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; and*

THAT the Secretary General responded affirmatively to the Government's request to send the Mission with the objective of observing the Federal Elections of 2010;

**WHEREFORE, THE PARTIES AGREE AS FOLLOWS:**

**First:            Guarantees**

a)     The Electoral Office guarantees the Mission access to all facilities for the adequate fulfillment of the observation of the elections in 2010 until conclusion of the Federal Elections process in the Federation of Saint Kitts and Nevis, in conformity with the laws and standards of the Federation of Saint Kitts and Nevis and the terms of this Agreement.

b)     The Electoral Office, on the day of and after the day of the elections, shall guarantee the Mission access to all polling stations and other locations and facilities related to the election until the official count is tabulated nationally and the Federal Elections process is concluded.

c)     The Electoral Office 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 Electoral Office shall guarantee the Mission access to all electoral bodies responsible for vote counting and tabulation. Similarly, the Electoral Office 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 Office 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 Office further guarantees the Mission access to all polling stations and other bodies throughout the national territory of the Federation of Saint Kitts and Nevis. Upon request of the Mission, the Electoral Office 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 Electoral Office will furnish the Mission with all information referring to the organization, direction and supervision of the electoral process. The Mission may request of the Electoral Office such additional information as is necessary for the exercise of the Mission's functions, and the Electoral Office shall promptly furnish all such information.

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

c) The Electoral Office shall provide the Mission with information related to the electoral list and other electoral data referring to the same. Similarly, the Electoral Office shall provide all other information relative 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 Office and before the Government.

b) The General Secretariat will communicate to the Chair of the Electoral Office the names of the persons who will comprise the Mission, who will be duly identified.

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 Office a copy of the final report of the Electoral Observation Mission following the Federal Elections in the Federation of Saint Kitts and Nevis.

e) The Electoral Office 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, its Organs, its personnel and its assets under the Charter of the Organization; under the Agreement Between the General Secretariat of the Organization of American States and the Federation of Saint Christopher and Nevis 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 8, 1985; and under the Agreement between the Government and the General Secretariat Regarding the Privileges and Immunities of the OAS Observer Mission for the 2010 Federal Elections in the Federation of Saint Kitts and Nevis, signed by the Parties on the 19<sup>th</sup> day of January; 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.

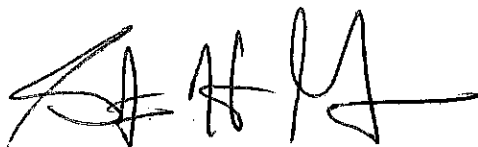
**Seventh: Entry into Force and Termination**

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 observation mission of the January 25th, 2010 Federal 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:



Steven Griner  
Chief of Mission  
OAS General Secretariat  
Basseterre, Saint Kitts  
Date: 1/22/2010....

FOR THE ELECTORAL OFFICE OF  
THE FEDERATION OF SAINT KITTS AND  
NEVIS:



Leroy G. Benjamin  
Electoral Office  
Supervisor of Elections  
Basseterre, Saint Kitts  
Date: 1/22/2010....