

**AGREEMENT BETWEEN  
THE GOVERNMENT OF GRENADA  
AND  
THE GENERAL SECRETARIAT OF THE  
ORGANIZATION OF AMERICAN STATES  
REGARDING  
THE PRIVILEGES AND IMMUNITIES OF THE OAS  
ELECTORAL OBSERVATION MISSION  
FOR THE 2018 GENERAL ELECTIONS**

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The Parties to this Agreement, the General Secretariat of the Organization of American States (hereinafter referred to as the “GS/OAS”) and the Government of Grenada (hereinafter referred to as the “Government”),

WHEREAS:

On January 3, 2018 the Prime Minister of Grenada (hereinafter referred to as the “Prime Minister”) invited GS/OAS to observe the forthcoming 2018 General Elections in Grenada (hereinafter referred to as the “General Elections”);

The Secretary General of the Organization of American States (hereinafter referred to as the “Secretary General”), in a letter dated January 11, 2018, informed the Prime Minister that he accepted the invitation to deploy an OAS Electoral Observation Mission (hereinafter referred to as the “OAS Mission” or the “Mission”) for the General Elections subject to obtaining the necessary resources to finance the establishment of the Mission;

The OAS Mission will be comprised of officials of the GS/OAS and international observers contracted at GS/OAS headquarters to participate in the OAS Mission (hereinafter referred to as the “Members of the OAS Mission” or the “Members”);

Article 133 of the Charter of the Organization of American States (OAS Charter) provides that: “the Organization of American States shall enjoy in the territory of each member such legal capacity, privileges, and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes”; and

The privileges and immunities enjoyed by the OAS, the GS/OAS, and its staff and property in Grenada are set out in the OAS Charter, whose instrument of ratification was deposited by the Government of Grenada on May 13, 1975, and in the Agreement between the Government of Grenada, Carriacou and Petite Martinique and the General Secretariat of the Organization of American States on the Establishment and Functioning in St. George’s of the Office of the General Secretariat of the Organization of American States in Grenada, signed by the Parties on October 6, 1978 (Agreement on the Establishment and Functioning of the Office of the GS/OAS in Grenada),

HAVE AGREED AS FOLLOWS:

## **CHAPTER I**

### **PRIVILEGES AND IMMUNITIES OF THE OAS MISSION**

#### **ARTICLE I**

The privileges and immunities of the OAS Mission for the General Elections shall be those accorded to the OAS and to the GS/OAS, its staff and property, pursuant to the provisions of Articles 133, 134, 135, and 136 of the OAS Charter, the Agreement on the Establishment and Functioning of the Office of the GS/OAS in Grenada, and in accordance with the principles and practices of international law.

#### **ARTICLE II**

The property and effects of the OAS Mission and of its Members, located in any part of the territory of Grenada 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 in writing by the Secretary General of the OAS. It is understood, however, that any such waiver of immunity shall not have the effect of subjecting any such property and effects to any type of measure of execution.

### ARTICLE III

The premises occupied by the OAS Mission shall be inviolable. Moreover, the property and effects of the OAS Mission and of its Members, in any part of the territory of Grenada 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 OAS Mission and all of the documents pertaining thereto, in the possession of any person or entity, shall be inviolable wherever they are located.

### ARTICLE V

The OAS Mission shall be:

- a) Exempt from any internal taxation, it being understood, however, that it may not claim any type of tax exemption that is in fact remuneration for public services;
- b) Exempt from any type of customs duty, prohibition, and restriction in respect of articles and publications that it may import or export for its official use. It is understood, however, that any articles imported duty-free may be sold within Grenada only in accordance with conditions expressly agreed upon by the Parties; and

- c) Exempt from ordinances, regulations, or moratoria of any kind. Moreover, it may have currency of any type, carry accounts in any foreign currency, and transfer funds in foreign currency.

## CHAPTER II

### MEMBERS OF THE OAS MISSION

#### ARTICLE VI

The Members of the OAS Mission shall be those persons who have been designated by the OAS Secretary General and accredited by the Grenadian authorities.

#### ARTICLE VII

For the period during which the Members of the OAS Mission exercise their functions and during their trips to and from Grenada, 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, email, 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 Grenada.
- f) The same privileges accorded to the representatives of foreign governments on official mission in respect of 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 Grenada working as local contract staff in the OAS Mission, except in respect of official acts performed or statements issued in the exercise of their functions.

#### ARTICLE IX

The OAS Mission may establish and operate in the territory of Grenada an independent radio communication system to provide an on-going communications link between the Members and the vehicles used by the Members with Mission offices and regional headquarters, such as the central office in St. George's and between the latter and the headquarters of the GS/OAS in Washington, D.C., United States of America. The

Government shall provide all the technical and administrative support necessary for this to be achieved.

### CHAPTER III COOPERATION WITH THE AUTHORITIES

#### ARTICLE X

The OAS Mission shall cooperate with the relevant authorities of Grenada 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 OAS Mission.

#### ARTICLE XI

Without prejudice to the immunities and privileges accorded, the Members of the OAS Mission shall respect the laws and regulations existing in Grenada.

#### ARTICLE XII

The Parties 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; and
- b) Any disputes to which the OAS Mission and/or any of its Members may be parties with respect to matters in which they enjoy immunity.

### CHAPTER IV NATURE OF PRIVILEGES AND IMMUNITIES

## ARTICLE XIII

The privileges and immunities are granted to the Members of the OAS Mission in order to safeguard their independence in the exercise of their functions of observing the General Elections, and not for personal gain or to perform activities of a political nature within the territory of Grenada.

The Secretary General may waive the privileges and immunities of any Member of the OAS Mission in the event that he determines, in his sole discretion, that the exercise of such privileges and immunities may obstruct the course of justice and that such waiver does not prejudice the interests of the OAS or the GS/OAS.

## CHAPTER V IDENTIFICATION

### ARTICLE XIV

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 OAS Mission.

The Government shall issue to each Member of the OAS Mission a visa to enter the country and to remain therein until the end of the Mission. The Government shall provide each such Member with an identity document, which shall include the person's full name, position or rank, and a photograph. The Members of OAS Mission will not be obligated to hand over said document but only to show it whenever the authorities of the Government so request.

## CHAPTER VI GENERAL PROVISIONS



## ARTICLE XV

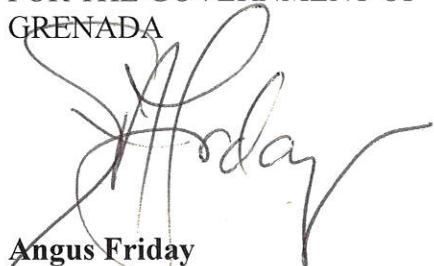
This Agreement may be amended by mutual consent in writing by the duly authorized representatives of the Parties.

## 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 OAS Mission have completed their mandate, in accordance with the terms of the request made by the Government of Grenada.

IN WITNESS WHEREOF, the undersigned, duly authorized, do hereby sign this Agreement, in duplicate, on the date and locations indicated below.

FOR THE GOVERNMENT OF  
GRENADA



**Angus Friday**  
Permanent Representative  
Permanent Mission of Grenada to the OAS  
Place: Washington DC, USA

Date: 5<sup>th</sup> March 2018

FOR THE GENERAL SECRETARIAT  
OF THE ORGANIZATION OF  
AMERICAN STATES:



**Gonzalo Koneke**  
Chief of Staff of the Secretary General  
General Secretariat of the  
Organization of American States  
Place: Washington DC, USA

Date: 6.03.18