
**AGREEMENT BETWEEN
THE GOVERNMENT OF GRENADA
AND THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
ON THE PRIVILEGES AND IMMUNITIES
OF THE OBSERVERS OF THE ELECTION PROCESS IN GRENADA**

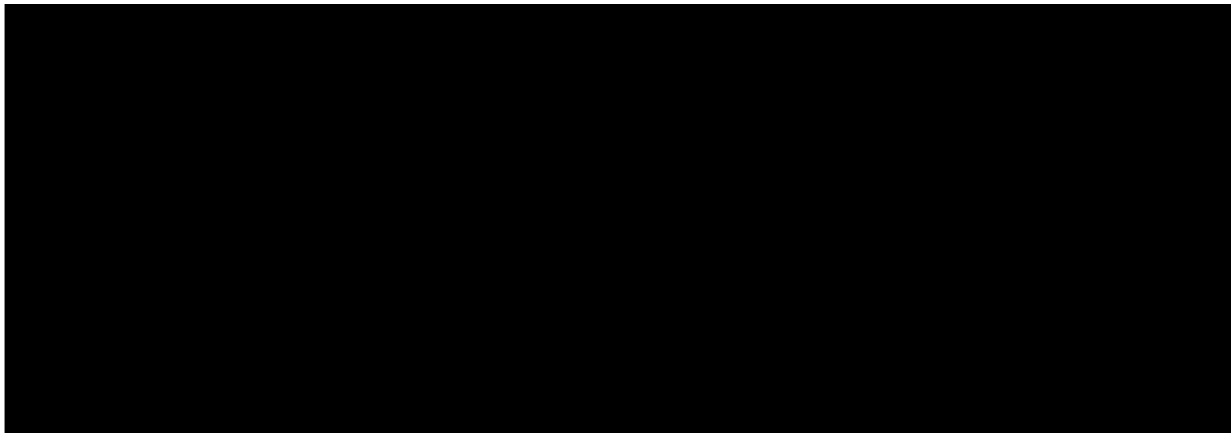
WHEREAS:

In a letter dated October 20, 2003, the Government of Grenada (hereafter the "GOVERNMENT") invited the Secretary General of the Organization of American States (hereinafter the "SECRETARY GENERAL") to support the democratic process in Grenada, in the framework of national elections to be held on the 27th day of November, 2003:

The ASSISTANT SECRETARY GENERAL (in his capacity as acting Secretary General), in a letter dated November 10, 2003, informed the GOVERNMENT that he accepted the GOVERNMENT'S invitation to establish a Group of Observers to conduct an Organization of American States Observer Mission in Grenada (hereinafter the "GROUP OF OBSERVERS") for these elections, subject to obtaining the necessary resources to finance the establishment of the Mission:

The GROUP OF OBSERVERS is comprised of officials of the General Secretariat of the Organization of American States (hereinafter the "GS/OAS") and other international observers specifically under contract to the GS/OAS for the OAS Observer Mission in Grenada;

The basic privileges and immunities enjoyed by the OAS, the GS/OAS, and GS/OAS' staff and contractees in Grenada are set out in Article 133 of the Charter of the OAS and in the October 6, 1978 Agreement between the GOVERNMENT and the GS/OAS on the Functioning of the Office of the GS/OAS in Grenada,



NOW, THEREFORE, The Government of Grenada and the General Secretariat of the Organisation of American States hereby agree as follows:

CHAPTER I PRIVILEGES AND IMMUNITIES

ARTICLE I

1.1 The privileges and immunities of the GROUP OF OBSERVERS shall be those accorded to the OAS, the OS/OAS, their organs, and their staff members.

ARTICLE II

2.1 The property and effects of the GROUP OF OBSERVERS, in any part 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.

2.1.1 However, it is understood and agreed 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

3.1 The premises occupied by the GROUP OF OBSERVERS shall be inviolable.

3.1.1 Moreover, their property and effects, in any part of the national territory of Grenada and in possession of any person, shall enjoy immunity against search and seizure, confiscation, expropriation and against any form of intervention, be it executive, administrative, judicial or legislative.

ARTICLE IV

4.1 The files of the GROUP OF OBSERVERS and all of the documents pertaining thereto or in its possession shall be inviolable wheresoever they are located.

ARTICLE V

5.1 The GROUP OF OBSERVERS shall be:

- a) exempt from any internal taxation;
- 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 only be sold within the country in accordance with the conditions agreed upon by the GOVERNMENT;

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

6.1 The members of the GROUP OF OBSERVERS (hereinafter the "OBSERVERS") shall be those who, with the consent of the GOVERNMENT, have been designated by the GS/OAS and accredited with the Grenadian authorities.

ARTICLE VII

7.1 For the period during which the OBSERVERS exercise their functions, and also 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 any papers or documents;
- c) The right to communicate with the GS/OAS via radio, telephone, telegraph, computer, 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 to foreign-currency restrictions;
- g) The same immunities and privileges in respect of their personal baggage as are accorded to diplomatic envoys; and

- b) 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

- 8.1 The provisions contained in the preceding Article do not apply to nationals of Grenada 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.

ARTICLE IX

- 9.1 The GROUP OF OBSERVERS may establish and operate in the territory of Grenada an independent radio communication system to provide an on-going communications link between the OBSERVERS and the vehicles used by the OBSERVERS with its 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. The GOVERNMENT shall provide all the technical and administrative support necessary for this to be achieved.

CHAPTER III COOPERATION WITH THE AUTHORITIES

ARTICLE X

- 10.1 The OBSERVERS shall cooperate with the relevant Grenadian 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 Observers.

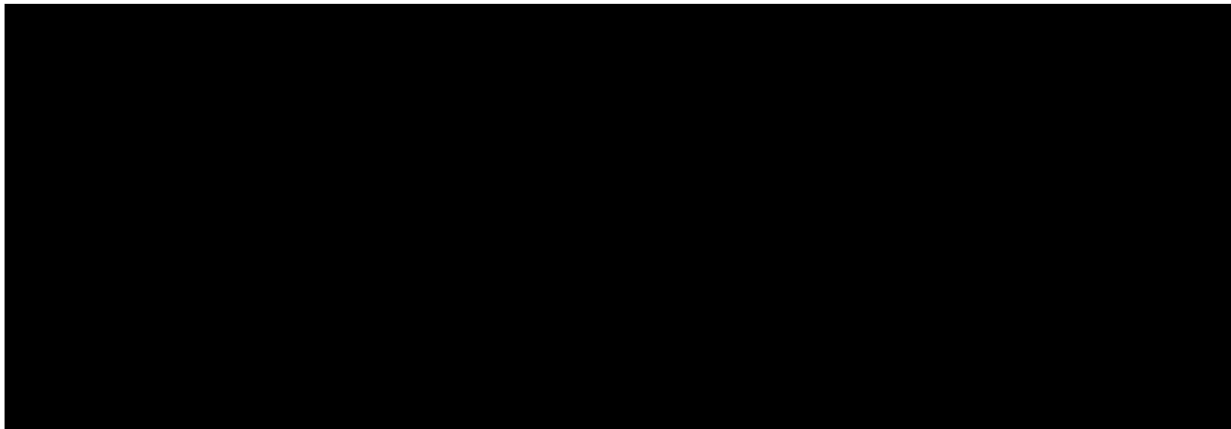
ARTICLE XI

- 11.1 Without prejudice to the immunities and privileges accorded, the OBSERVERS shall respect the laws and regulations existing in Grenada.

ARTICLE XII

- 12.1 The GOVERNMENT and the GS/OAS 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 OBSERVERS may be party in respect of matters in which they enjoy immunity.

CHAPTER IV NATURE OF PRIVILEGES AND IMMUNITIES

ARTICLE XIII

13.1 The privileges and immunities are granted to the OBSERVERS in order to safeguard their independence in the exercise of their functions of observing the national election process in Grenada and not for personal gain or to perform activities of a political nature within the territory of Grenada.

13.1.1 Therefore, the GS/OAS shall waive the privileges and immunities of any of the individual observers in the event that in the judgment of the SECRETARY GENERAL the exercise of those privileges and immunities obstruct the course of justice.

CHAPTER V IDENTIFICATION

ARTICLE XIV

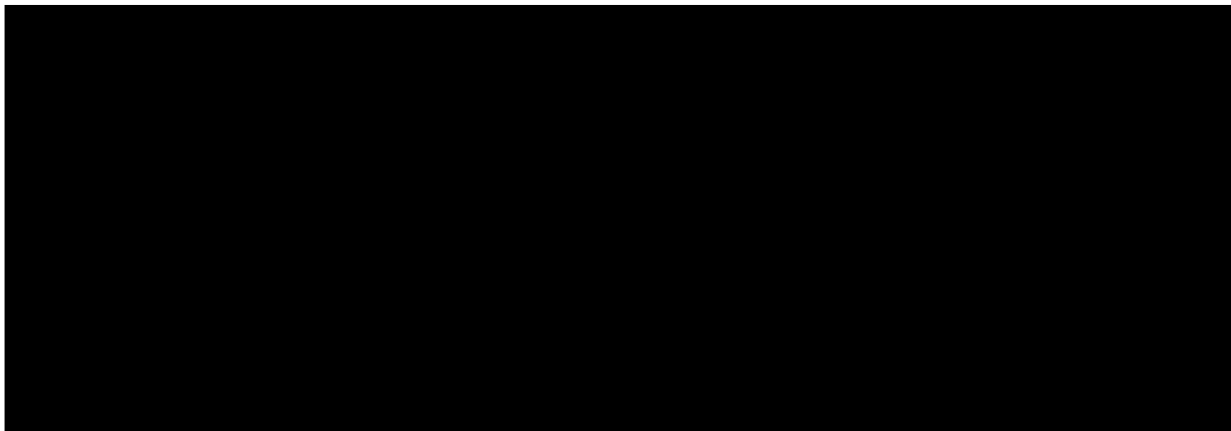
14.1 The GS/OAS shall supply each one of the OBSERVERS, as well as local contract staff, an identification document, which shall show the individual's complete name, date of birth, and position with the GS/OAS.

14.2 The OBSERVERS, as well as local contract staff, shall not be obliged to relinquish that identification document, but rather to present it when the Grenadian authorities so require.

CHAPTER VI GENERAL PROVISIONS

ARTICLE XV

15.1 The GOVERNMENT recognizes the "Official Travel Document" issued by the GS/OAS as a valid and sufficient document for purposes of the OBSERVERS' travel.



ARTICLE XVI


16.1 This Agreement may be amended by mutual consent in writing by the duly authorized representatives of GS/OAS and the GOVERNMENT.

ARTICLE XVII

17.1 This Agreement shall enter into force on the date of its signature and shall cease to have effect once the Observers have completed their 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 St. George's, Grenada on this 25th day of the month of November in the year two thousand (and three).

FOR THE GOVERNMENT OF
OF GRENADA


PERMANENT SECRETARY
MINISTRY OF FOREIGN AFFAIRS
& INTERNATIONAL TRADE

FOR THE GENERAL SECRETARIAT
OF THE ORGANIZATION OF
AMERICAN STATES

