

## **ACUERDOS BILATERALES**

**Clasificación: 104-2010**

**Fecha de Ingreso: July 16<sup>th</sup>, 2010.**

**Nombre del Acuerdo: Agreement between the General Secretariat of the Organization of American States and the Electoral Department of Saint Vincent and the Grenadines on the Electoral Observation Process by the OAS Observer Mission of the 2009 National Referendum, on Constitutional Reform in Saint Vincent and the Grenadines.**

**Materia: Electoral Observation Process by the OAS Observer Mission of the 2009 National Referendum, on Constitutional Reform in Saint Vincent and the Grenadines.**

**Partes: SG/ Electoral Department of Saint Vincent and the Grenadines**

**Referencia: Electoral Department of Saint Vincent and the Grenadines**

**Fecha de Firma: November 9th, 2009.**

**Fecha de Inicio:**

**Fecha de Terminación:**

**Lugar de Firma: Kingstown, Saint Vincent and the Grenadines.**

**Unidad Encargada: Departamento para la Cooperación y Observación Electoral, Sección de Misiones de Observación Electoral.**

**Persona Encargada: Steven Griner.**

**Original**

**Claves**

**Cierres del proceso**

**AGREEMENT  
BETWEEN  
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN  
STATES  
AND  
THE ELECTORAL DEPARTMENT OF SAINT VINCENT AND THE  
GRENADINES  
ON THE ELECTORAL OBSERVATION PROCESS BY THE OAS OBSERVER  
MISSION OF THE 2009 NATIONAL REFERENDUM ON CONSTITUTIONAL  
REFORM IN SAINT VINCENT AND THE GRENADINES**

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REFORM IN SAINT VINCENT AND THE GRENADINES**

The Parties, the Electoral Department of Saint Vincent and the Grenadines (hereinafter referred to as the “Electoral Department”) and the General Secretariat of the Organization of American States (hereinafter referred to as the “General Secretariat”);

***CONSIDERING:***

THAT on the 15<sup>th</sup> day of September 2009, the Government of Saint Vincent and the Grenadines (hereinafter referred to as “the Government”), through its Minister of Urban Development, Culture and Electoral Matters, 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 Saint Vincent and the Grenadines for the purpose of witnessing the National Referendum on Constitutional Reform to be held on November 25, 2009 (hereinafter referred to as the “National Referendum”);

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 National Referendum of 2009;

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

**First: Guarantees**

a) The Electoral Department guarantees the Mission access to all facilities for the adequate fulfillment of the observation of the referendum in 2009 until conclusion of the National Referendum process in Saint Vincent and the Grenadines, in conformity with the relevant laws and standards of Saint Vincent and the Grenadines and the terms of this Agreement.

b) The Electoral Department, on the day of and after the day of the referendum, shall guarantee the Mission access to all polling stations and other locations and facilities related to the referendum until the official count is tabulated nationally and the National Referendum process is concluded.

c) The Electoral Department 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 Department shall guarantee the Mission access to all electoral bodies responsible for vote counting and tabulation. Similarly, the Electoral Department 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 Department 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 Department further guarantees the Mission access to all polling stations and other bodies throughout the national territory of Saint Vincent and the Grenadines. Upon request of the Mission, the Electoral Department 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 Department 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 Department such additional information as is necessary for the exercise of the Mission's functions, and the Electoral Department shall promptly furnish all such information.

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

c) The Electoral Department shall provide the Mission with information related to the electoral list and other electoral data referring to the same. Similarly, the Electoral Department shall provide all other information relative to the computer systems used on the day of the referendum, 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 Department and before the Government.

b) The GS/OAS will communicate to the leadership of the Electoral Department 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 leadership of the Electoral Department a copy of the final report of the Electoral Observation Mission following the National Referendum in Saint Vincent and the Grenadines.

e) The Electoral Department 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 General Secretariat, its personnel and its assets under the Charter of the Organization; under the Agreement Between the Government and the General Secretariat for the Establishment and Functioning in Saint Vincent and the Grenadines of the Office of the General Secretariat, signed by the Parties on September, 27, 1984; and under the Agreement between the Government and the General Secretariat Regarding the Privileges and Immunities of the OAS Observer Mission for the 2009 National Referendum on Constitutional Reform in Saint Vincent and the Grenadines, signed by the Parties on the 9th day of November, 2009; 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.

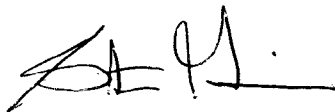
**Seventh: Entry into Force and Termination**

This Agreement shall enter into force on the date and upon the signature of then duly authorized representatives of the Parties. This Agreement shall remain in force until the Mission has concluded its observation mission of the November 25, 2009 National Referendum.

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.

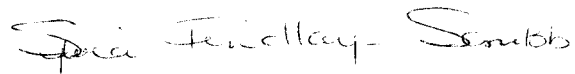
FOR THE GENERAL SECRETARIAT  
OF THE ORGANIZATION OF  
AMERICAN STATES:



Steven Griner  
Chief of Mission  
OAS General Secretariat  
Kingstown, Saint Vincent and the  
Grenadines

Date: 9/11/09.....

FOR THE ELECTORAL DEPARTMENT OF  
SAINT VINCENT AND THE  
GRENADINES:



Sylvia Findlay-Scrubb  
Supervisor of Elections  
Electoral Department of  
Saint Vincent and the Grenadines  
Kingstown, Saint Vincent and the  
Grenadines

Date: 9th November 2009