

Acuerdos Bilaterales

Clasificación: 28-2006

Fecha de Ingreso: 26 de abril de 2006

Nombre de Acuerdo: Agreement between the General Secretariat of the Organization of American States and the Co-operative Republic of Guyana Elections Commission on the Electoral Observation Process

Materia:

Partes: SG/OEA & Guyana

Referencia: Guyana

Fecha de Firma: 2006

Fecha de Inicio:

Fecha de Terminación:

Lugar de Firma:

Unidad Encargada:

Persona Encargada:

Original:

Claves:

Cierre del proceso:



AGREEMENT

BETWEEN

THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN
STATES

AND

THE CO-OPERATIVE REPUBLIC OF GUYANA ELECTIONS COMMISSION
ON THE ELECTORAL OBSERVATION PROCESS

**AGREEMENT
BETWEEN
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
AND
THE CO-OPERATIVE REPUBLIC OF GUYANA ELECTIONS COMMISSION
ON THE ELECTORAL OBSERVATION PROCESS**

The Parties, the Co-operative Republic of Guyana Elections Commission (hereinafter referred to as the "Elections Commission") and the General Secretariat of the Organization of American States (hereinafter referred to as "GS/OAS"),

CONSIDERING:

THAT on the 15th day of September 2005, the Government of the Co-operative Republic of Guyana (hereinafter referred to as "the Government"), through the Head of its Presidential Secretariat, invited the Secretary General of the Organization of American States (hereinafter referred to as the "OAS") to send an Electoral Observation Mission (hereinafter referred to as "the Mission") to Guyana for the purpose of witnessing the elections for President and for Members of Parliament ^{and Members of the Regional Democratic Councils} to be held in 2006.

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;"

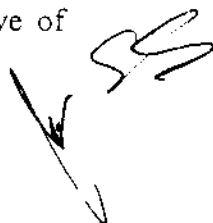
THAT Article 24 of the Inter-American Democratic Charter states in pertinent part as follows:

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.

THAT in a letter dated December 2, 2005, the Secretary General responded affirmatively to the Government's request to send the Mission with the objective of observing the Presidential and Parliamentary elections of 2006.

and Regional Democratic Council



AGREE:

First: Guarantees

a) The Elections Commission guarantees the Mission access to all facilities for the adequate fulfillment of the observation of the elections in 2006, in Guyana, in conformity with the relevant laws and standards of Guyana and the terms of this Agreement;

b) The Elections Commission, on and after the day of the elections, will guarantee the Mission access to all polling stations and other locations and facilities related to the election until the official count is tabulated nationally;

c) The Elections Commission will guarantee the Mission complete access to the locations in which the process of counting and tabulating votes will take place.

Second: Information

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

b) The Mission may inform the Elections Commission about any irregularities and/or interference, which the Mission might observe or of which the Mission might learn. Similarly, the Mission may request the Elections Commission to

provide any information regarding the measures which the Elections Commission will take in relation to such irregularities, and the Elections Commission shall promptly furnish all such information;

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

d) The Elections Commission will guarantee the Mission access to all electoral bodies responsible for vote counting and tabulation. Similarly, the Elections Commission will 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 Elections Commission will guarantee the Mission complete access to the complaints process and quality controls that occur before and after the electoral process and are of interest to the Mission.

e) *under its control* The Elections Commission further guarantees the Mission access to all *the entities* polling stations and ~~other bodies~~ throughout the national territory of Guyana. Upon request of the Mission, the Elections Commission 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. *SB*

Third: General Provisions

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

b) The GS/OAS will communicate to the leadership of the Elections Commission 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 Elections Commission a copy of the final report of the Electoral Observation Mission following the election of the President and Parliament in Guyana;

e) The Elections 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 or the GS/OAS or that any of their organs may enjoy under the Charter of the Organization, the Agreement between the GS/OAS and the Government in relation to the privileges and immunities of each of the members of the group of observers of the election process in Guyana signed by the Parties on the 10th day of April, 2006, or under international law.

Fifth: Resolution of controversies

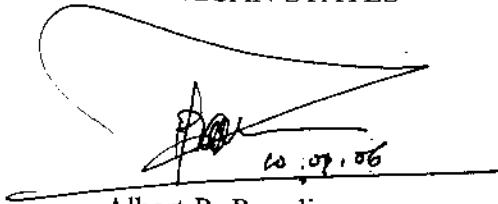
The Parties shall attempt to resolve through direct negotiations any disputes arising in relation to the interpretation and/or implementation of this Agreement. If the negotiations do not result in the resolution of the dispute, the matter shall be submitted to arbitration in accordance with the procedure agreed to by the Parties.

Sixth: Amendments

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

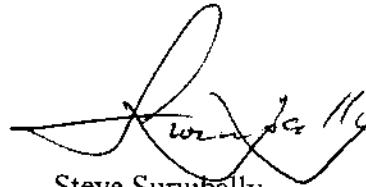
IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Agreement in duplicate on the date and locations indicated below.

FOR THE GENERAL SECRETARIAT
OF THE ORGANIZATION OF
AMERICAN STATES

A handwritten signature in black ink, appearing to be 'A. Ramdin', is written over a horizontal line. To the right of the signature, the date '10.07.06' is written.

Albert R. Ramdin
Assistant Secretary General
Organization of American States

FOR THE GUYANA ELECTIONS
COMMISSION

A handwritten signature in black ink, appearing to be 'S. Surujbally', is written over a horizontal line.

Steve Surujbally
Chairman
Guyana Elections Commission
Georgetown, Guyana