

Acuerdos Bilaterales

Clasificación: 29-2006

Fecha de Ingreso: 26 de abril de 2006

Nombre de Acuerdo: Agreement between the Government of the Co-operative Republic of Guyana and the General Secretariat of the Organization of American States on the Privileges and Immunities of the Election Process in Guyana in 2006

Materia:

Partes: SG/OEA & Guyana

Referencia: Guyana

Fecha de Firma: 10 de abril de 2006

Fecha de Inicio:

Fecha de Terminación:

Lugar de Firma:

Unidad Encargada:

Persona Encargada:

Original:

Claves:

Cierre del proceso:

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE CO-OPERATIVE REPUBLIC OF GUYANA
AND

THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN
STATES

ON THE PRIVILEGES AND IMMUNITIES
OF THE ELECTION PROCESS IN GUYANA IN 2006

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE CO-OPERATIVE REPUBLIC OF GUYANA
AND
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
ON THE PRIVILEGES AND IMMUNITIES
OF THE ELECTION PROCESS IN GUYANA IN 2006**

The Parties to this Agreement, the General Secretariat of the Organization of American States (hereinafter the "GS/OAS") and the Government of the Co-operative Republic of Guyana (hereinafter the "Government"),

WHEREAS:

The Government invited the Secretary General of the Organization of American States (hereinafter the "OAS" or the "Organization") to support the democratic process in the Co-operative Republic of Guyana (hereinafter "Guyana"), in the framework of general and regional elections to be held in 2006.

The Secretary General of the OAS,, in a letter dated December 2, 2005, informed the Government that he accepted the invitation to establish a Group of Observers (hereinafter "Group of Observers") to conduct an OAS Observer Mission in Guyana (hereinafter "OAS Observer Mission") for these elections, subject to obtaining the necessary resources to finance the establishment of the OAS Observer Mission in Guyana,

The Group of Observers will be comprised of officials and/or persons contracted at GS/OAS headquarters GS/OAS as well as other international observers specifically under contract to the GS/OAS for the OAS Observer Mission.

The basic privileges and immunities enjoyed by the OAS, the GS/OAS, and its staff in Guyana are set out in the Charter of the Organization and in the Agreement Between The Government of The Co-operative Republic Of Guyana and The General Secretariat Of The Organization Of American States 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 April 18, 1994.

NOW, THEREFORE:

The Government and the GS/OAS

HAVE AGREED AS FOLLOWS:

CHAPTER I:

PRIVILEGES AND IMMUNITIES OF THE GROUP OF OBSERVERS

ARTICLE I

1.1 The privileges and immunities of the Group of Observers shall be those accorded to the OAS, to the GS/OAS, to its organs and to its staff.

ARTICLE II

2.1 The property and effects of the Group of Observers, in any part of the territory of Guyana 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.

2.2 However, it is understood that said 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.

3.2 Moreover, the property and effects of the Group of Observers, in any part of the territory of Guyana 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 wherever they are located.

ARTICLE V

5.1 The Group of Observers shall be:

- a) exempt from any internal taxation, it being understood, however, that they 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 they may import or export for their official use. It is understood, however, that the articles they import duty-free may be sold within the country only in accordance with conditions expressly agreed upon with 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 shall be those who have been designated by the GS/OAS and accredited with the Guyanese authorities.

ARTICLE VII

7.1 For the period during which the members of the Group of Observers exercise their functions and during their trips to and from Guyana, 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 or documents;

c) The right to communicate with the GS/OAS via radio, telephone, telegraph, 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 Guyana;

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

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

8.1 The provisions contained in the preceding article do not apply to nationals of Guyana 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 Guyana 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 Georgetown 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 Group of Observers shall cooperate with the relevant Guyanese 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 Group of Observers.

ARTICLE XI

11.1 Without prejudice to the immunities and privileges accorded, the Group of Observers shall respect the laws and regulations existing in Guyana.

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;
- b) Any disputes to which the Group of Observers may be party with respect to 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 members of the Group of Observers in order to safeguard their independence in the exercise of their functions of observing the Guyanese Election Process and not for personal gain or to perform activities of a political nature within the territory of Guyana.

13.2 Therefore, the Secretary General of the OAS may waive the privileges and immunities of any of the Members of the Group of Observers in the event that he determines that the exercise of those privileges and immunities may obstruct the course of justice.

CHAPTER V
GENERAL PROVISIONS

ARTICLE XIV

14.1 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 Group of Observers who possess this Document.

14.2 The Government will issue to each member of the Group of Observers a visa to enter the country and to remain therein until the end of the Mission.

ARTICLE XV

15.1 The Government agrees to extend the privileges and immunities of the present Agreement to members of the Group of Observers designated by the GS/OAS, who have been accredited by the Guyanese authorities.

ARTICLE XVI

This agreement may be amended by mutual consent in writing by the Government and GS/OAS.

ARTICLE XVII

This Agreement shall enter into force on the date of its signature and shall cease to have effect once the members of the Group of Observers have completed their mission, in accordance with the terms of the request made by the Government.

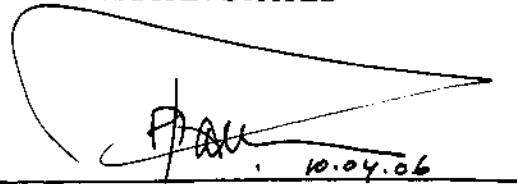
IN WITNESS WHEREOF, the undersigned, duly authorized, do hereby sign this Agreement, in duplicate, on the date and locations indicated below.

FOR THE GOVERNMENT OF
THE CO-OPERATIVE REPUBLIC
OF GUYANA



Samuel Rudolph Insanally
Minister of Foreign Affairs
Co-operative Republic of Guyana
Georgetown, Guyana

FOR THE GENERAL SECRETARIAT
OF THE ORGANIZATION OF
AMERICAN STATES



Albert R. Ramdin
Assistant Secretary General of the
Organization of American States

