

**ACUERDOS BILATERALES/ BILATERAL AGREEMENT/
ACORDOS BILATERAIS/ACCORDS BILATERAUX**

Clasificación:
Classification: 46-2022.
Classifacation:
Classificação:

Fecha de Ingreso:
Entry Date: September 29, 2022.
Date d'entrée:
Data de Admissão:

Nombre del Acuerdo:
Name of the agreement: Agreement between the General Secretariat of the Organization of American States and the Electoral Commission of the Federation of St. Kitts and Nevis regarding the electoral observation process of the 2022 General Elections.

Nom de l'accord:
Nome do Acordo:

Materia:
Subject: Access to facilities to fulfill the OAS Electoral Observation Process for the General Elections in St. Kitts and Nevis to be held on August 5, 2022.

Sujet:
Materia:

Partes:
Parties involved: GS/ Electoral Commission of the Federation of St. Kitts and Nevis
Parties:
Partes:

Referencia:
Reference: Electoral Commission of the Federation of St. Kitts and Nevis
Référence:
Referência:

**AGREEMENT
BETWEEN
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
AND
THE ELECTORAL COMMISSION OF THE FEDERATION OF ST. KITTS AND
NEVIS
REGARDING THE ELECTORAL OBSERVATION PROCESS OF THE
2022 GENERAL ELECTIONS**

**AGREEMENT
BETWEEN
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2022 GENERAL ELECTIONS**

The Parties, the Electoral Commission of the Federation of St. Kitts and Nevis (hereinafter referred to as the "Electoral Commission") and the General Secretariat of the Organization of American States (hereinafter referred to as the "General Secretariat or GS/OAS");

CONSIDERING:

THAT on the 26th day of July 2022, the Government of the Federation of St. Kitts and Nevis (hereinafter referred to as "the Government"), through its Ministry of Foreign Affairs, 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 St. Kitts and Nevis for the purpose of witnessing the General Elections to be held on August 5, 2022 (hereinafter referred to as the "General Elections");

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 General Elections of 2022;

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

First: Guarantees

a) The Electoral Commission shall guarantee the Mission access to all facilities for the adequate fulfillment of the observation of the General Elections in St. Kitts and Nevis until their conclusion, in conformity with the laws and standards of St. Kitts and Nevis and the terms of this Agreement.

b) The Electoral Commission, on the day of and after the day of the elections, shall guarantee the Mission access to all polling stations and other locations and facilities related to the election until the official count is tabulated nationally and the General Elections process is concluded.

c) The Electoral Commission 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 Commission shall guarantee the Mission access to all electoral bodies responsible for vote counting and tabulation. Similarly, the Electoral Commission 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 Commission 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 Commission further shall guarantee the Mission access to all polling stations and other bodies throughout the national territory of the Federation of St. Kitts and Nevis. Upon request of the Mission, the Electoral Commission shall guarantee 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 Commission shall furnish the Mission with all information referring to the organization, direction and supervision of the electoral process. The Mission may request of the Electoral Commission such additional information as is necessary for the exercise of the Mission's functions, and the Electoral Commission shall promptly furnish all such information.

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

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

Third: Protective Equipment Regarding the Exposure to COVID-19

a) The Electoral Commission shall provide the members of the Mission with

sufficient personal protective equipment (PPE) to prevent their exposure to COVID-19 during their stay in Saint Kitts and Nevis; and

b) The Electoral Commission and the GS/OAS shall agree on what constitutes sufficient PPE before the arrival of the Mission to Saint Kitts and Nevis.

Fourth: **General Provisions**

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

b) The GS/OAS will communicate to the Chair of the Electoral 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 Chair of the Electoral Commission a copy of the final report of the Electoral Observation Mission following the General Elections in the Federation of St. Kitts and Nevis.

e) The Electoral Commission will make known and disseminate the contents of this Agreement among all electoral bodies and among all personnel involved in the electoral process.

Fifth: **Privileges and Immunities**

Nothing in this Agreement shall be construed as an express or implied waiver of the privileges and immunities of the General Secretariat, the OAS, its Organs, its personnel and its assets under the Charter of the Organization, whose instrument of ratification was deposited by the Government of St. Kitts and Nevis on March 12, 1984; the Agreement Between the GS/OAS and the Government of the Federation of Saint Christopher and Nevis 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 November 8, 1985; and, the Agreement Between the

Government and the GS/OAS Regarding the Privileges and Immunities of the OAS Electoral Observation Mission for the 2022 General Election Process in St. Kitts And Nevis, signed by the Parties on July 29 and 30, 2022.

Sixth: **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.

Seventh: **Amendments**

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

Eighth: **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.

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.

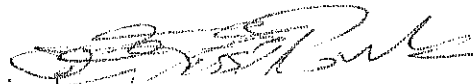
FOR THE GENERAL SECRETARIAT
OF THE ORGANIZATION OF
AMERICAN STATES:



Bruce Golding
Chief of Mission
OAS Electoral Observation Mission
Place: Basseterre, St. Kitts and Nevis

Date: 03 Aug - 2022

FOR THE ELECTORAL COMMISSION OF
ST. KITTS AND NEVIS:



Nassibou Butler
Chairman
Electoral Commission
Place: Basseterre, St. Kitts and Nevis

Date: 3 Aug 2022



Organización de los Estados Americanos
Organização dos Estados Americanos
Organisation des Etats Américains
Organization of American States

EXECUTIVE ORDER No. 05-06 REV. 1

ANNEX III

DELEGATION OF AUTHORITY

AGREEMENT BETWEEN
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES
AND THE ELECTORAL COMMISSION OF SAINT KITTS AND NEVIS ON THE
ELECTORAL OBSERVATION PROCESS OF THE GENERAL ELECTIONS
TO BE HELD ON AUGUST 5, 2022

I, Luis Almagro, Secretary General of the Organization of American States ("OAS"), hereby authorize Mr. Bruce Golding, Chief of the Electoral Observation Mission for the General Elections to be held in Saint Kitts and Nevis on August 5, 2022, to sign the above-referenced Agreement on behalf of the General Secretariat of the OAS.

This delegation of authority expires on the 4th day of August 2022.

A handwritten signature in black ink, appearing to be 'L. Almagro', written over a horizontal line.

Luis Almagro
Secretary General

Place: Washington, DC

Date: August 2, 2022