

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

Clasificación:
Classification: 64-2021.
Classifacation:
Classificação:

Fecha de Ingreso:
Entry Date: December 16, 2021.
Date d'entrée:
Data de Admissão:

Nombre del Acuerdo:
Name of the agreement: Agreement between the Government of the Commonwealth of
Dominica and the General Secretariat of the Organization of
American States regarding the privileges and immunities of the OAS
Electoral Observation Mission for 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 Dominica to be held on December 6,
2022.

Sujet:
Materia:

Partes:
Parties involved: GS/ Electoral Commission of Dominica.
Parties:
Partes:

Referencia:
Reference: Electoral Commission of Dominica.
Référence:
Referência:

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE COMMONWEALTH OF DOMINICA
AND
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
REGARDING
THE PRIVILEGES AND IMMUNITIES OF THE
OAS ELECTORAL OBSERVATION MISSION
FOR THE 2022 GENERAL ELECTIONS**

**AGREEMENT BETWEEN
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AND
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THE PRIVILEGES AND IMMUNITIES OF THE
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FOR THE 2022 GENERAL ELECTIONS**

The Parties to this Agreement, the General Secretariat of the Organization of American States (hereinafter referred to as the “GS/OAS”) and the Government of the Commonwealth of Dominica (hereinafter referred to as the “Government”),

WHEREAS:

On the 10th day of November 2022, the Government of the Commonwealth of Dominica (hereinafter referred to as “the Government”), through its Prime Minister, 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 Dominica for the purpose of observing the General Elections to be held on December 6th, 2022 (hereinafter referred to as the “General Elections”);

The Secretary General, in a letter dated November 15th, 2022, informed the Prime Minister that he accepted the invitation to deploy an OAS Electoral Observation Mission (hereinafter referred to as the “OAS Mission” or the “Mission”) for the General Elections subject to obtaining the necessary resources to finance the establishment of the Mission;

The OAS Mission will be comprised of officials of the GS/OAS and international observers contracted at GS/OAS headquarters to participate in the OAS Mission (hereinafter referred to as the “Members of the OAS Mission” or the “Members”);

Article 133 of the Charter of the Organization of American States (OAS Charter) provides that: “the Organization of American States shall enjoy in the territory of each Member

such legal capacity, privileges, and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes"; and

The privileges and immunities enjoyed by the OAS, the GS/OAS, and its staff and property in Dominica are set out in the OAS Charter, whose instrument of ratification was deposited by the Government of Dominica on May 22, 1979, and in the Agreement Between the General Secretariat of the Organization of American States and the Government of the Commonwealth of Dominica 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 4, 1986,

HAVE AGREED AS FOLLOWS:

CHAPTER I:

PRIVILEGES AND IMMUNITIES OF THE OAS MISSION

ARTICLE I

The privileges and immunities of the OAS Mission for the General Elections shall be those accorded to the OAS and to the GS/OAS, its staff and property, pursuant to the provisions of Articles 133, 134, 135, and 136 of the OAS Charter, the Agreement Between the General Secretariat of the Organization of American States and the Government of the Commonwealth of Dominica on the Functioning of the Office of the General Secretariat of the Organization of American States and Recognition of its Privileges and Immunities, and in accordance with the principles and practices of international law.

ARTICLE II

The property and effects of the OAS Mission and its members, located in any part of the territory of Dominica 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. It is understood, however, 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

The premises occupied by the OAS Mission shall be inviolable. Moreover, the property and effects of the OAS Mission and of its Members, in any part of the territory of Dominica and in possession of any person or entity, shall enjoy immunity against search and seizure, confiscation, expropriation and against any form of intervention, be it executive, administrative, judicial or legislative.

ARTICLE IV

The files of the OAS Mission and all of the documents pertaining thereto, in the possession of any person or entity shall be inviolable wherever they are located.

ARTICLE V

The OAS Mission shall be:

- a) Exempt from any internal taxation, it being understood, however, that it 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 it may import or export for its official use. It is understood, however, that the articles it imports duty-free may be sold within Dominica only in accordance with conditions expressly agreed upon by the Parties; and
- c) Exempt from ordinances, regulations or moratoria of any kind. Moreover, it may have currency of any type, carry accounts in any foreign currency and transfer funds in foreign currency.

CHAPTER II
MEMBERS OF THE OAS OBSERVER MISSION

ARTICLE VI

The members of the OAS Mission shall be those persons who have been designated by the OAS Secretary General and accredited by the Dominican authorities.

ARTICLE VII

For the period during which the Members of the OAS Mission exercise their functions and during their trips to and from Dominica, 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) Immunity from any mandatory measure of quarantine, isolation or any other similar restriction imposed by the Government regarding the pandemic generated by COVID-19;
- c) The inviolability of all papers and documents;
- d) The right to communicate with the GS/OAS via radio, telephone, telegraph, email, 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;
- e) The right to utilize for their movements throughout the national territory, any means of transportation, be it by air, by water or over land;

- f) 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 Dominica;
- g) The same privileges accorded to the representatives of foreign governments on official mission in respect to foreign-currency restrictions;
- h) The same immunities and privileges in respect of their personal baggage as are accorded to diplomatic envoys; and
- i) 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

The provisions contained in the preceding Article do not apply to nationals of Dominica working as local contract staff in the OAS Mission, except in respect of official acts performed or statements issued in the exercise of their functions.

ARTICLE IX

The OAS Mission may establish and operate in the territory of Dominica an independent radio communication system to provide an on-going communications link between the observers and the vehicles used by the Members with Mission offices and regional headquarters, such as the central office in Roseau and between the latter and the headquarters of the GS/OAS in Washington, D.C., United States of America. The Government shall provide all the technical and administrative support necessary for this to be achieved.

CHAPTER III

COOPERATION WITH THE AUTHORITIES

ARTICLE X

The OAS Mission shall cooperate with the relevant authorities of Dominica 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 OAS Mission.

ARTICLE XI

Without prejudice to the immunities and privileges accorded, the Members of the OAS Mission shall respect the laws and regulations existing in Dominica.

ARTICLE XII

The Parties 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 the OAS Mission and/or any of its Members may be parties with respect to matters in which they enjoy immunity.

CHAPTER IV

NATURE OF PRIVILEGES AND IMMUNITIES

ARTICLE XIII

The privileges and immunities are granted to the Members of the OAS Mission in order to safeguard their independence in the exercise of their functions of observing the General

Elections, and not for personal gain or to perform activities of a political nature within the territory of Dominica.

The Secretary General may waive the privileges and immunities of any Member of the OAS Mission in the event that he determines, in his sole discretion, that the exercise of those privileges and immunities may obstruct the course of justice and that such waiver does not prejudice the interests of the OAS or the GS/OAS.

CHAPTER V IDENTIFICATION

ARTICLE XIV

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 OAS Mission.

The Government shall issue to each member of the OAS Mission a visa to enter the country and to remain therein until the end of the OAS Mission. The Government shall provide each such Member with an identity document, which shall include the person's full name, position or rank, and a photograph. The Members of OAS Mission will not be obligated to hand over said document but only to show it whenever the authorities of the Government so request.

CHAPTER VI GENERAL PROVISIONS

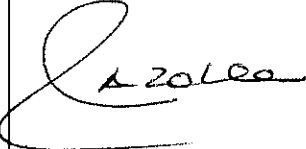

ARTICLE XV

This Agreement may be amended by mutual consent in writing by the duly authorized representatives of the Parties.

ARTICLE XVI

This Agreement shall enter into force on the date of its signature and shall cease to have effect once the OAS Mission has completed its mandate, in accordance with the terms of the request made by the Government of Dominica.

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

<p>FOR THE GOVERNMENT OF THE COMMONWEALTH OF DOMINICA</p>  <p>Judith-Anne Rolle Interim Representative Permanent Mission of Dominica to the Organization of American States</p> <p>Place: Washington, D.C., USA</p> <p>Date: <u>22nd November 2022</u></p>	<p>FOR THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES</p>  <p>Luis Almagro Secretary General General Secretariat of the Organization of American States</p> <p>Place: Washington, D.C., USA</p> <p>Date: <u>November 22, 2022</u></p>
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