



ORGANIZACION DE LOS ESTADOS AMERICANOS
ORGANIZAÇÃO DOS ESTADOS AMERICANOS
ORGANISATION DES ETATS AMERICAINS
ORGANIZATION OF AMERICAN STATES

1700 George Washington Avenue, N.W. Washington, D.C. 20036

AGREEMENT BETWEEN THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES AND THE GOVERNMENT
OF THE COMMONWEALTH OF THE BAHAMAS ON THE FUNCTIONING OF
THE OFFICE OF THE GENERAL SECRETARIAT OF THE ORGANIZATION OF
AMERICAN STATES AND RECOGNITION OF ITS PRIVILEGES AND
IMMUNITIES

WHEREAS:

On March 3, 1982, the Government of the Commonwealth of the Bahamas deposited the Instruments of ratification of the Charter of the Organization of American States, signed in Bogota on April 30, 1948, and the Protocol of Buenos Aires, signed in that city on February 27, 1967; on November 7, 1986, it deposited the Instrument of ratification of the Protocol of Cartagena de Indias, signed in that city on December 5, 1985; on June 7, 1994, it deposited the instrument of ratification of the Protocol of Managua, signed in that city on June 10, 1993.

In its resolution of June 3, 1953, the Council of the Organization of American States authorized the Secretary General to establish offices of the General Secretariat of the Organization of American States in the various member states;

As a result of this authorization, an office of the General Secretariat of the Organization of American States was established in the Commonwealth of the Bahamas by the General Secretariat in 1984;

The Government of the Commonwealth of the Bahamas has cooperated to its fullest with the Office of the General Secretariat of the Organization of American States in the Bahamas and on several occasions has offered to increase this cooperation as appropriate;

Article 132 of the Charter of the Organization of American States provides that the Organization "shall enjoy in the territory of each member state such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes";

Consequently, it is necessary to conclude a formal agreement for the purpose of defining the forms of cooperation between the parties and to determine the terms, facilities, prerogatives, and immunities that the Government of the Bahamas will accord to the General Secretariat of the Organization of American States in connection with functioning of the aforementioned office;

THEREFORE:

The General Secretariat of the Organization of American States, represented by the Secretary General of the Organization, Dr. César Gaviria, and the Government of the Bahamas, ("the Government"), represented by

AGREE TO THE FOLLOWING:

I. GENERAL PROVISIONS

Article 1. Definitions: For the purpose of this agreement:

The terms "the Organization" and "OAS" mean the Organization of American States.

The terms "General Secretariat" and "GS/OAS" mean The General Secretariat of the Organization of American States.

The term "The Secretary General" means the Secretary General of the Organization of American States.

The term "the country" means the Commonwealth of the Bahamas.

The term "the Office" means the Office of the General Secretariat of the Organization in the country.

The term "the member states" means the states that are members of the Organization.

The term "the competent authorities" means the authorities of the Commonwealth of the Bahamas.

The term "the Foreign Ministry" means the Foreign Ministry of the Commonwealth of the Bahamas.

The term "property" includes real property, furniture, vehicles and means of transportation, working equipment and materials, rights of any nature, funds in any currency, gold and foreign exchange, assets, income and donations, operations and other resources, and, in general, anything that may constitute the real or personal property of a natural or juridical person.

The term "headquarters" includes all the branches and offices of the Office.

The term "archives" comprises the correspondence, manuscripts, books, documents, and other library material, photographs, films, sound recordings, computer files however stored or transmitted, other electronic data, and all audiovisual documents and materials of any nature owned by the Office or in its possession.

The term "personnel of the Office" includes all staff members of the Office of any level and rank, including administrative and service personnel.

The term "personnel of the General Secretariat" includes all the staff members of the General Secretariat of whatever level and rank, including the administrative and service personnel, regardless of nationality and country or place in which they are working, staff members of any level and rank of the specialized organizations of the Organization, appointed by the Secretary General, and those of the centers or entities that are agencies of the Organization.

The term "independent contractors" includes the technicians, experts, and consultants who are not staff members of the Office or of the General Secretariat, regardless of nationality, contracted by the General Secretariat through performance contracts (CPR), for the purposes of providing a specific service, product or result for approved programs and projects in areas of specialization.

The term "members of the family" includes the dependent relatives by consanguinity or affinity of the personnel of the Office and of the General Secretariat, whatever their grade, in accordance with the legal provisions in force in the country.

The term "levy" includes all taxes, fees, and special assessments and any other charges and rates of the same or similar nature provided for in the legislation of the Commonwealth of the Bahamas, howsoever they may be called.

The term "tax" means a levy charged due to a situation independent of any state activity related to the payer.

The expression "fee" describes a fee charged for actual or potential individualized public services furnished to the payer, with the proceeds earmarked only for the service for which the obligation is budgeted. Payment received from the user for services not inherent to the state is not a fee.

The expression "special assessment" is a levy charged for benefits stemming from public works or state activities which is earmarked only to finance works or activities for which the obligation is budgeted.

The expression "assessment for improvement" means the assessment made to pay the cost of a public work that causes real property to appreciate and whose overall limit is the expenditure made and whose individual limit is the increase in the value of the real property benefitted.

The term "social security contribution" describes the levy paid by employers and workers who are members of the groups benefitted and is intended to finance the welfare service.

The term "shipments" means the equipment, goods and merchandise shipped abroad by any means and intended for the Organization, the General Secretariat, or the Office.

Article 2 - Legal Status and Capacity: In accordance with the OAS Charter, the Government recognizes to the OAS, GS/OAS and the Office:

1. Full legal status in the territory of the country and, consequently, the capacity to acquire rights and undertake obligations, and, in particular, to contract for, dispose of, or encumber for any cause, personal property and real property; to institute legal and administrative proceedings and, in general, to execute all legal acts or business inherent to the performance of their duties.

2. Independence and freedom of action appropriate to international organizations, in accordance with international custom and the customs of the place, without prejudice to the provisions of the other articles of this Agreement.

II. RECOGNITION, FUNCTIONS, REPRESENTATION AND OBJECTIVES OF THE OFFICE

Article 3 - Recognition and Functions: In accordance with the OAS Charter, the Government recognizes the Office that GS/OAS has maintained in the Bahamas since 1984, which, as part of GS/OAS, shall perform in the country the duties assigned to it by the Secretary General.

Article 4 - Representation: The Office shall be directed by a Director, who shall be its legal representative by delegation of the Secretary General.

Article 5 - Objectives: The Office shall have as its principal objectives:

1. To represent the General Secretariat before the competent authorities in all acts related to the functions of the Office and of the General Secretariat in the country.

2. To serve as a center to promote, supervise and coordinate all the activities and operations of the General Secretariat in the country.

3. To develop and promote the exchange of information and experiences, and to promote coordination with other international organizations and with other organs, agencies, and entities of the inter-American system.

4. To disseminate information on the programs and activities of the Organization and supervise the public information activities of the General Secretariat in the country.

5. To inform the national public on the principles, purposes and objectives of the Organization.

6. To sponsor knowledge of the arts and culture of the peoples of the Americas, through cultural exchange programs, exhibits, lectures, and related activities.

7. To represent the General Secretariat or to serve as an observer for the Secretariat at any seminars and lectures held in the country to which it may be invited, when so designated by the General Secretariat.

8. To give priority in its activities to the rendering of direct services of technical cooperation of the Organization in the country, to support the national economic, social, educational, scientific, technological, and cultural development effort.

III. FINANCING OF THE OFFICE

Article 6 - Budget of the Organization: For the maintenance of the Office in the country, the General Secretariat shall allocate the amount approved for this purpose in the program-budget of the Organization and also other funds allocated to it according to the activities that the General Secretariat decides to undertake through the facilities of the Office, taking into account the country's relative development.

Article 7 - National Contribution: The Government shall contribute to the support of the Office, in cash or in kind, as specified in supplementary agreements between the Government and GS/OAS, and subject to the availability of resources for that purpose.

IV. PRIVILEGES AND IMMUNITIES

A. INSTITUTIONAL

Article 8 - Privileges and Immunities in General: The Government recognizes that the Office, GS/OAS, and the OAS shall enjoy in the territory of the country:

1. In accordance with the provisions of Article 132 of the OAS Charter, such privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes, as an international organization.

2. The immunities, privileges, exemptions, and postage-free facilities set forth in the Agreement on Privileges and Immunities of the Organization of American States, open to signature on May 15, 1949.

Article 9 - Immunity from Jurisdiction: The Office, GS/OAS, and OAS, and all their property, premises, files, and shipments shall enjoy immunity in the country against judicial and administrative procedure, and they shall be immune from search, seizure, or any other measure of execution, except in particular cases in which that immunity is expressly waived by the Director of the Office, duly authorized to do so by the Secretary General. The effects of any such waiver shall not extend to measures of execution affecting the property, premises, files and shipments of the Office, the General Secretariat, or the Organization, which shall require another, express waiver.

Article 10 - Inviolability: The premises, property, files, correspondence, and shipments of the Office, GS/OAS, and OAS shall be inviolable within the territory of the country, wherever located and by whomsoever held; and they shall be immune from search, requisition, inspection, censure, registration, seizure, and from any other form of interference, whether of an executive, administrative, judicial, or legislative nature. The consent of the Director of the Office shall be required for agents of the State to be permitted to enter the headquarters of the Office.

Article 11 - Monetary and Foreign Exchange Restrictions: In accordance with Article 6 of the Agreement on Privileges and Immunities of the Organization of American States, the Office, GS/OAS, and OAS may, without the restriction of financial decrees, regulations, or moratoria of any kind:

1. Hold funds, gold or currency of any kind and operate accounts in any currency;
2. Transfer their funds, gold or currency of any kind within or outside of the country; and
3. Convert any currency held by them into any other currency.

In the exercise of these privileges, the General Secretariat shall give due attention to any objection made by the Government, to the extent that it considers that such an objection may be taken into account without detriment to the interest of the Office, GS/OAS and OAS.

Article 12 - Taxes: The Office, GS/OAS, and OAS shall have the following tax privileges:

1. Total exemption from payment and transfer of charges with respect to national or municipal taxes involving the following taxable events:

(a) The importation into national territory of merchandise for their use or consumption or for that of projects of cooperation for development that they execute in whole or in part in the country, or in whose execution they participate.

(b) The exportation from national territory for their use or consumption or for that of projects of cooperation for development that they execute in whole or in part in the country, or in whose execution they participate.

(c) The buying, selling, or conducting of other equivalent operations with respect to merchandise for their use or consumption, or that have been in use or consumption for projects of cooperation for development that they execute in whole or in part in the country, or in whose execution they participate.

(d) The rendering and receiving, services of any class, including national and international air, sea, and land passages.

(e) The holding, purchasing, or use of real property and holding, registering and driving of vehicles of any kind for the execution of their activities or those of projects of cooperation for development that they execute in the country, or in whose execution they participate.

(f) The procurement of income, rents, contributions, funds, donations, and loans for the purposes set forth in the Charter.

(g) The implementation of all kinds of agreements, conventions, acts, contracts, documents, actions, petitions, and briefs with any type of persons or before any national or foreign authorities.

2. Regarding fees:

(a) Franking privileges for local telegraph service and postal service for correspondence, including printed matter and parcels, in accordance with Article 135 of the OAS Charter.

(b) Same rates as applied to the Government for water, light, telephone, telex, cable, telegram, and mail services.

3. Total exemption from improvement, social security, or any other type of special assessments. Consequently, the personnel of the Office and of the General Secretariat shall be protected under the employment systems and social welfare regulations of the Organization and the GS/OAS shall not be required to affiliate its personnel with the national social security and welfare systems. Notwithstanding, the GS/OAS may make arrangements with national social security and welfare institutions for its personnel, when it deems this advisable.

Article 13 - Withholding and Declarations: The Office, the GS/OAS and OAS shall be exempt from having to withhold or collect any levy and/or present declarations or returns in this respect.

Article 14 - Communications: The Office, GS/OAS, and OAS shall have the benefit of the following for its national and international official communications in the territory of the country:

1. Facilities no less favorable than those granted by the Government to any international organization with respect to priorities, tariffs, and rates on cables, telegrams, radiograms, telexes, telephone, telephotos, and other communications.

2. The right to use codes or keys and to send and receive their correspondence by courier or in sealed pouches, enjoying for this purpose the same privileges and immunities as those granted for diplomatic mail, couriers, or pouches.

3. The right to be free of all restrictions in their correspondence or other official communications.

Article 15 - Travel Document: The Government recognizes the "Official Travel Document" issued by GS/OAS as a valid and sufficient document for national and international travel of the staff members or other persons on official travel on behalf of the Office, the GS/OAS, or OAS within or outside of the country. This document requires no visa for its holder to enter the country and remain there until the conclusion of his mission or service.

in the country. Family members of the holder of the "Official Travel Document" not included therein shall be given official visas in their national passport to permit them to enter the country and to remain therein. These visas shall be issued without delay, for no fixed time, and shall not require the presence of the family members in the diplomatic or consular mission of the country, or payment of any fee. The same provision shall apply to officers, personnel or independent contractors of the General Secretariat or of the Organization, and to members of their families, who, because of the short duration of the official mission, do not have the "Official Travel Document" and must enter the country with passports issued by their countries of origin. The Government shall take the appropriate measures for these cases.

Article 16 - Fares: Because their goal is to provide service, officers, staff members or independent contractors of the Office, the GS/OAS, or OAS taking national or international trips on official mission, and also OAS fellowship students and individuals invited by OAS to participate in contests or special events, shall not be required to pay entry and embarkation taxes at ports and airports. These provisions also apply to family members of the staff and of the OAS fellowship students.

Article 17 - Insurance: The Government shall accept as valid in the country all insurance contracted by the GS/OAS or the self-insurance plans established by GS/OAS, in connection with persons, shipments, vehicles, and other OAS assets, even though said insurance is contracted with insurance companies located in other member states.

B. PERSONNEL.

Article 18 - General: Staff members of the Office, GS/OAS, and OAS:

1. Shall have the status of international officers serving an international organization, in accordance with Article 118 of the OAS Charter, and shall be selected, contracted and appointed by the Secretary General, in accordance with the provisions of Article 112 of the Charter.

2. In their position as officers of an international organization:

(a) They shall enjoy immunity from personal arrest, detention, administrative, civil, criminal and other judicial proceedings in connection with their official acts, deeds, words spoken and written, and all other activities performed by them related to the performance of their official duties, without prejudice to the Secretary General's power to waive that immunity in cases in which he considers this necessary.

(b) They shall be exempt from taxes of all kinds on their salaries, benefits, and other remunerations received from the Office and from GS/OAS, and from OAS, including their retirement pensions and indemnities and other payments for retirement or separation.

(c) They shall be provided with an official identification document issued by the foreign ministry.

Article 19 - Foreign Staff Members: Staff members of the Office, GS/OAS, and OAS, and members of their families, not nationals of the country, shall, in addition, enjoy the following privileges and immunities:

1. Inviolability of their baggage, personal effects, papers and documents.
2. Exemption from compulsory national service.
3. The same repatriation facilities as those accorded to diplomatic agents in time of international crisis.
4. The usual facilities and courtesies compatible with the laws on nationality and immigration in force in the country; and freedom to enter, leave, and travel in national territory with no other requirement or document than the "Official Travel Document" issued by GS/OAS.
5. Full exemption from the following taxes:
 - (a) On importation or introduction into the country of baggage, furniture, household effects and equipment, and merchandise and articles for family use or consumption upon their entry into the country as part of the family's installation therein.
 - (b) On the importation or introduction into the country of baggage, furniture, household effects and equipment, vehicles, and merchandise and articles for personal or family use or consumption during the period of official stay in and up to three months after final departure from the country, subject to the following rules:
 - i. Baggage, furniture, household effects and equipment, merchandise and articles shall be inspected by customs, resulting duties assessed, and exemptions declared, which shall not exceed the annual quota and maximum limits assigned per shipment, in accordance with the regulations in force. These limitations may not be smaller than those allocated to diplomatic agents. For this purpose, the annual quota assigned to the Director of the Office shall be the same as that assigned to chiefs of mission, and other staff members shall be allowed the same quota as that assigned to first secretaries, military, naval, and air attaches, and high-ranking civilians.
 - ii. Vehicles shall be restricted to one automobile or to some other vehicle for personal use for each member of the staff.
 - (c) On export of baggage, furniture, personal effects, household equipment, merchandise, articles, and vehicles for personal or family use, owned by a member of the staff, at the close of his mission or service and up to six months after his final departure from the country.
 - (d) On transfer of his automobile or other vehicle for personal use, under the terms and conditions established by legislation in force. Notwithstanding, the transfer shall be exempt from such terms and conditions with respect to automobiles or other vehicles for personal use that:

i. Belonged to staff members who died while carrying out their mission or service;

ii. Occurred because of the official transfer of the staff member to another country, or country of repatriation, if he has served in the country for one year or more.

Article 20 - Independent Contractors of the Office, and of the General Secretariat in mission in the country, shall enjoy the privileges and immunities provided forth in Article 18 (a) and (c); and foreign independent contractors shall enjoy in addition, the privileges and immunities set forth in Article 18 (b), and Article 19 paragraphs 1, 2, 3, 4 and 5 (a), (c) and (d), in the same circumstances and conditions established therein, for foreign staff members.

Article 21 - Customary Courtesies: When they visit the country on official mission, the Secretary General and the Assistant Secretary General of the Organization, the Executive Secretaries, Assistant Secretaries, and other high officials of the General Secretariat of the Organization shall enjoy the facilities appropriate to their position and station, in accordance with international custom.

Article 22 - Fellowship Students of the Organization: Fellowship students designated by GS/OAS or OAS to receive training or do research in the country or abroad shall have the following benefits:

1. Exemption from any levies on the living allowance received from the Organization, including taxes, fees, or assessments, or any other contributions, charges or rates, howsoever they may be called.

2. For foreign fellowship students, their spouses and dependents, exemption from any obligation to register as aliens.

3. Official visas, free of charge, in the passports of foreign fellowship students and in those of their spouses and dependents for the period of duration of the fellowship in the country.

Article 23 - Accreditation: The Director of the Office, or whosoever replaces him, shall send to the foreign ministry a list of the personnel of the Office and of GS/OAS and OAS staff members working in the country, and of the independent contractors in mission in the country eligible for the privileges according to this Agreement.

C. GENERAL PROVISIONS

Article 24 - Nature of the Privileges and Immunities: In accordance with Article 14 of the Agreement of Privileges and Immunities referred to in Article 8 of this Agreement, the privileges and immunities in this section are granted to the personnel of the Office, GS/OAS and OAS in the interest only of GS/OAS and OAS. Likewise, privileges and immunities are granted to independent contractors in the interests of GS/OAS or OAS and not for the personal benefit of the individuals themselves. Consequently, the Secretary

General or the Director, by delegation from the Secretary General, shall waive the privileges and immunities of any staff member in any case where, in the judgment of the Secretary General, the exercise thereof would impede the course of justice, and when such waiver can be made without prejudice to the interests of the Office, GS/OAS, and OAS.

Article 25 - Most Favorable Provisions: The Office, GS/OAS, OAS, their staff members, and, where applicable, their independent contractors may avail themselves of the most favorable provisions now in force or that may be issued or agreed upon in the future by the country regarding immunities, privileges, or prerogatives for other international organizations or technical cooperation missions, and for the personnel of these organizations or missions.

Article 26 - Cooperation: The Office, GS/OAS, and OAS:

1. Shall cooperate with the competent authorities of the country to facilitate the proper administration of justice, to see to compliance with police, traffic, and health ordinances and regulations, and other similar norms; and to prevent abuses of the privileges, immunities and facilities granted through this Agreement.

2. Shall take whatever steps may be necessary for the appropriate settlement of:

(a) Disputes arising out of contracts or other matters of private law to which they may be party;

(b) Disputes involving any of their staff members and contractors with respect to which they enjoy immunity provided that the General Secretariat has not expressly waived this immunity.

Article 27 - Security: No article of this Agreement shall be construed as precluding the adoption of appropriate security measures in the interest of the country.

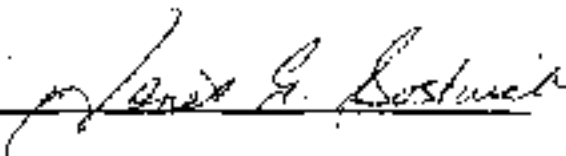
Article 28 - Settlement of Disagreements: Any disagreement on application or interpretation of the provisions of this Agreement shall be settled by whatever procedure is agreed to by the Government and GS/OAS.

Article 29 - Amendment: This Agreement may be amended by mutual consent of the Government and of GS/OAS.


Article 30 - Force: This Agreement shall enter into force on the day it is signed and shall remain in force indefinitely; however, either party may terminate it by notifying the other of its desire to do so one year in advance of the date on which that termination is to take effect.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties hereby execute and sign this Agreement in duplicate originals in ^{Nassau} Nassau, on 27th day of May 1997.

FOR THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS



FOR THE GENERAL SECRETARIAT OF THE ORGANIZATION
OF AMERICAN STATES



Secretary General
