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AGREEMENT

BETWEEN THE GOVERNMENT OF GRENADA, CARRIACOU
AND PETIT MARTINIQUE AND THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES ON THE ESTABLISHMENT AND FUNCTIONING
IN ST. GEORGE'S OF THE OFFICE OF THE GENERAL SECRETARIAT OF THE ORGANIZATION
OF AMERICAN STATES IN GRENADA

(Signed in Washington, D.C., on October 6, 1978)

ORGANIZATION OF AMERICAN STATES

WASHINGTON, D. C.

GENERAL SECRETARIAT

AGREEMENT BETWEEN THE GOVERNMENT OF GRENADA, CARRIACOU
AND PETIT MARTINIQUE AND THE GENERAL SECRETARIAT OF
THE ORGANIZATION OF AMERICAN STATES ON THE ESTABLISH-
MENT AND FUNCTIONING IN ST. GEORGE'S OF THE OFFICE OF
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN
STATES IN GRENADA

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THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN
STATES IN GRENADA

W H E R E A S:

Article 119 of the Charter of the Organization of American States, as amended by the Protocol of Buenos Aires, signed on February 27, 1967, at the Third Special Inter-American Conference, states that

"The Secretary General shall:

- a) Establish such offices of the General Secretariat as are necessary to accomplish its purposes; and
- b) Determine the number of officers and employees of the General Secretariat, appoint them, regulate their powers and duties, and fix their remuneration.

The Secretary General shall exercise this authority in accordance with such general standards and budgetary provisions as may be established by the General Assembly";

Article 139 of the above-cited Charter, as amended, provides that "The Organization of American States 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";

In 1975 Grenada joined the Organization of American States, depositing the instrument of Ratification of the Charter of the Organization of American States, signed on April 30, 1948, at the Ninth International Conference of American States, on March 17, 1967, and of the Protocol of Amendment to the Charter, signed

on February 27, 1967, at the Third Special Inter-American Conference, on May 20, 1968; and the Secretary General authorized the establishment of an office in Grenada.

The Office of the General Secretariat of the Organization of American States in Grenada was established in June, 1976, with the consent of the Government of Grenada, and has been actively functioning since that time;

For these purposes, it is necessary to formulate an Agreement, in order to specify the methods of cooperation between the parties and to determine the conditions, facilities, prerogatives and immunities that the Government of Grenada will accord the General Secretariat, with respect to the functioning of the Office.

T H E R E F O R E:

THE GOVERNMENT of Grenada and
THE GENERAL SECRETARIAT of the Organization of American
States

AGREE TO THE FOLLOWING

USE OF TERMS

Article 1°- In this Agreement

- a) "Assistant Secretary General" means the Assistant Secretary General of the Organization of American States.
- b) "Competent Authority" means national or other authorities of Grenada, according to the law of the land.
- c) "Director" means the designated Representative of the Secretary General of the Organization of American States entrusted with the duties of administering the Office.

- d) "General Secretariat" means the General Secretariat of the Organization of American States.
- e) "Government" means the Government of Grenada, Carriacou and Petit Martinique.
- f) "Office" means the Office of the General Secretariat of the Organization of American States in Grenada.
- g) "Official of the Office" means any member of the international staff of the General Secretariat, including personnel under contract by the General Secretariat, stationed in Grenada for a period of six months or more.
- h) "Officials on Missions" means members of the international staff of the General Secretariat, including personnel under contract by the General Secretariat, assigned to perform their duties in Grenada for periods of no less than six months.
- i) "Organization" means the Organization of American States.
- j) "Property", as used in Articles 8 and 10, means all property including funds and assets belonging to the Organization of American States, or held or administered by the Organization of American States in fulfillment of its constitutional functions and in general all income accruing to the Organization of American States.
- k) "Secretary General" means the Secretary General of the Organization of American States.

PURPOSE AND FUNCTIONING OF THE OFFICE

Article 2°- The purpose of the Office shall be, in collaboration with the Government, to serve as a center for more efficiently promoting and coordinating the activities of the General Secretariat. In this connection, the General Secretariat will study the possibility of undertaking, through the Office, such activities of

public relations, dissemination of information, liaison, and cooperation as the following: Program of Information to the public; Program of Information to the General Secretariat; collaboration with the Program of Technical Cooperation; collaboration with the Fellowship Program; collaboration with the Program of Technical Assistance; collaboration with the Professorship Program; collaboration with the Extra-continental Training Program; collaboration with the Leo S. Rowe Fund; printing, promotion and distribution of the publications of the General Secretariat; maintenance of relations with Government officials, assisting them to the extent of its ability; maintenance of relations with private national entities, to inform them of the work being done by the OAS; collaboration in conferences, meetings, congresses, seminars and other gatherings, whether national or international; participation in Inter-American book festivals and other cultural gatherings; relations with youth organizations; contracting of personnel for the General Secretariat; giving advice to officials of the OAS who travel on official missions, and other activities of similar nature or that coincide with the general purpose of the Organization.

Article 3°- The Government shall provide the Office every three years with furniture made of local wood.

The old furniture shall be returned to the Government in exchange for the new furniture.

Article 4°- The General Secretariat shall make an annual contribution of funds that it appropriates for the maintenance of the Office in Grenada, and also funds that it may make available from its own budget for publications or activities that the General Secretariat wishes to undertake through the facilities of the Office. The General Secretariat shall also furnish all necessary office material, such as desks, supplies and equipment.

Article 5°- The Office shall be an integral part of the General Secretariat of the Organization of American States, which shall appoint its staff.

Article 6°- In the territory of Grenada, in accordance with the provisions of the Charter of the Organization of American States, the Office shall enjoy such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes, within the limits prescribed in this Agreement.

LEGAL CAPACITY

Article 7°- The Office shall have juridical personality in the territory of Grenada and shall have legal capacity (a) to make contracts, (b) to acquire and dispose of all forms of property, and (c) to institute legal and administrative proceedings.

Whenever the Office initiates a judicial or administrative proceeding, the Director thereof shall waive, on the authority of the Secretary General of the OAS, the immunity of jurisdiction recognized in Article 8 of this Agreement. Such waiver shall be made at the beginning of the dispute or proceeding in question, and shall have no effect whatever of a general character, being applicable only in relation to the specific proceeding initiated by the Office.

PROPERTY, FUNDS AND ASSETS

Article 8°- The Office, as well as its property, funds and assets, shall enjoy in Grenada immunity from judicial and administrative process, except in those particular cases in which such immunity is expressly waived by the Director of the Office, with the due authorization of the Secretary General of the Organization of American States.

Article 9°-

- a) The premises of the Office shall be inviolable. Agents of the Government may not enter them, except with the consent of the Director of the Office, with the due authorization of the Secretary General.
- b) The premises of the Office, their furnishings and other property thereon and the means of transportation of the Office shall be immune from search, confiscation, requisition, attachment or execution.
- c) The Archives, documents and correspondence of the Office shall be inviolable at any time and wherever they may be.

Article 10°- The Office, as well as its property, funds and assets, shall be exempt from:

- a) all taxes: it is understood, however, that no exemption may be claimed from taxes which are, in fact, charges for public utility services;
- b) customs duties and prohibitions and restrictions on articles, equipment or working materials that the Office imports or exports for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country, except under conditions agreed upon in writing between the Government and the General Secretariat;
- c) customs duties and prohibitions and restrictions on the importation and exportation of its publications.

Article 11°- The Office:

- a) may hold funds or foreign currency of any kind and operate accounts in any currency, and

- b) shall be free to transfer its funds within or outside Grenada to convert the currency held by it into any other currency.

In the exercise of the rights set forth in this Article, the Office shall pay due regard to any representations made by the Government, to the extent that it considers that such representations may be taken into account without detriment to the interests of the General Secretariat.

Article 12°- The private residence, papers and correspondence of Officials of the Office shall enjoy the same inviolability and protection as the premises of the Office.

FACILITIES REGARDING COMMUNICATIONS

Article 13°-

- a) For its official communications, the Office shall enjoy in Grenada treatment no less favorable than that accorded by the Government to any other government or international organization, with reference to priorities, schedules, rates and direct or indirect taxes for cables, telex, telegrams, radiograms, telephone service and other communications, and to special rates for information sent to the press, television, and to the radio, provided such favorable treatment is not incompatible with the provisions of international conventions.
- b) The Office shall enjoy postage-free facilities for its correspondence and mail to, from and within Grenada; however, in the case of "Registered Mail", the registration fee is payable.

Article 14°- The General Secretariat and its Office shall have the right to use codes, as well as to send and receive correspondence by courier or in sealed pouches, enjoying in that respect the same privileges and immunities as diplomatic mail, couriers and pouches.

PRIVILEGES, IMMUNITIES AND FACILITIES

Officials of the Office and Officials on Missions

Article 15°- The Officials of the Office and on Missions, as well as all other personnel employed by the Office, shall be immune from administrative or legal process of any kind in respect to words spoken or written and all acts performed by them in their official capacity. They shall also be exempt from all taxes on salaries and emoluments paid to them by the Office.

Article 16°- The person of an Official shall be inviolable. He shall not be liable to any form of arrest or detention. He shall be treated with due respect and the Government shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

Article 17°- Officials shall:

- a) enjoy immunity from all national service obligations;
- b) be given every facility compatible with immigration laws.

Article 18°-

- a) Officials of the Office, in accordance with such laws and regulations as the Government may adopt, upon first taking up their post in Grenada and no later than six months after their assumption of duty, shall be allowed to import, free

of all customs duties, taxes and related charges other than charges for storage, cartage and similar services, their furniture and household effects, including one automobile each every two years, and other articles intended for personal and family use at their official residences. Articles imported may be exported free of duty or taxes; the regulations in force for the resident diplomatic corps shall apply to the transfer or sale of all articles imported.

- b) Officials on Missions shall, in accordance with such laws and regulations as the Government may adopt, be allowed to bring into Grenada, free of customs duties and taxes, personal and other effects compatible with the duration of their period of assignment in the territory.

Article 19°- Officials, upon application to the Competent Authority through the Ministry of External Affairs, shall be reimbursed all customs duties and taxes for purchases made in Grenada of their furniture and household effects, including automobiles and other articles intended for personal and family use at their official residences; such applications shall only apply to articles purchased within the period and time limit as specified in Article 18 of this Agreement.

Article 20°- The personal baggage of Officials shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles mentioned in Article 18, or articles the import or export of which is prohibited by the law or controlled by quarantine regulations of the Government. Such inspection shall be conducted in the presence of the Officials concerned or their authorized representative and the Permanent

Secretary of the Ministry of External Affairs or his authorized representative from the said Ministry.

Article 21°- The members of the family of Officials forming part of their household and dependent on them shall enjoy the privileges, immunities and facilities accorded to said Officials.

Article 22°- The Director of the Office, his spouse, children and relatives dependent on him, shall enjoy on a continuous basis, the privileges, immunities, benefits and facilities set forth in Articles 15, 16, 17, 18, 19, 20 and 21 of this Agreement.

Article 23°- The Director of the Office shall notify the Government of the names of all Officials and employees who are entitled to the benefits listed in Articles 15, 16, 17, 18, 19, 20, 21 and 22 of this Agreement.

Article 24°- Privileges and immunities are granted to Officials in the interests of the Office and their missions only. Consequently, the Director, duly authorized by the Secretary General of the Organization of American States, shall waive the privileges and immunities of any officials in cases where, in the judgement 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, and of the General Secretariat.

SECRETARY GENERAL AND ASSISTANT SECRETARY GENERAL

Article 25°- The Secretary General and the Assistant Secretary General of the Organization, their spouses, children and relatives dependent on them, shall be granted the privileges and immunities, exemptions and facilities granted to diplomatic envoys.

TRAVEL FACILITIES

Article 26°- The Government recognizes the "Official Travel Document" issued by the Secretary General of the Organization of American States as a valid and sufficient document for the travel of officials of the Office and the Organization.

Article 27°- The "Official Travel Document" mentioned in the previous Article does not require a visa for its holder to enter Grenada and remain therein for the duration of his official assignment or mission.

However, the General Secretariat shall inform the Government, through the Ministry of External Affairs, of the exact nature of the visit to Grenada of all Officials of the Organization and Officials on Missions, regardless of their rank and the purpose of their missions; such Officials shall not embark on their travel until they are authorized to do so by the Government.

The spouse and dependent relatives of the holder of the "Official Travel Document" shall be given, without delay and without being required to appear personally to the Consulate, Legation, or Embassy of Grenada, and without the payment of any fee, visas in their passports that will permit them to enter the national territory and to remain therein; this is provided that the necessary Government authorization for travel by the holder of the "Official Travel Document" has been sought and granted.

The Government and the Organization shall take the steps necessary to accomplish the requirements set forth in this Article; in cases such as conferences and meetings when large groups of officials need to travel to Grenada, these requirements shall be waived by the Government after prior consultation.

COOPERATION AND SETTLEMENT OF DISPUTES

Article 28°- The Office shall cooperate with the competent authorities of the country to facilitate the proper administration of justice, to see that police regulations and ordinances are obeyed, and to prevent abuses of the privileges, immunities and facilities mentioned in this Agreement.

Article 29°- The Office shall take whatever steps may be necessary for the appropriate settlement of:

- a) disputes arising out of contracts or other disputes of a private law or character to which the Office is a party; and
- b) disputes involving any official of the Office with reference to which immunity is enjoyed, provided that the Director, duly authorized for this purpose by the Secretary General of the Organization of American States, shall not have waived this immunity in accordance with Article 24.

FINAL PROVISIONS

Article 30°- Nothing contained in this Agreement shall be construed as precluding the adoption of appropriate security measures in the interest of the Government.

Article 31°- This Agreement may be modified or expanded at the request of either party, after prior consultation on the proposed modification or expansion, and providing both parties agree.

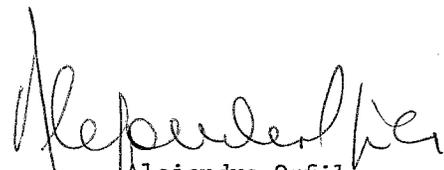
Article 32°- This Agreement shall enter into force on the day on which it is signed.

Article 33°- Either of the parties may terminate this Agreement by notifying the other in writing one year in advance.

IN WITNESS WHEREOF, the undersigned, duly authorized for the purpose, sign this Agreement in duplicate in Washington, D.C., on the 6th day of October, one thousand nine hundred and seventy eight.



Fabian Alexis Redhead
Ambassador, Permanent Representative
of Grenada to the Organization of
American States



Alejandro Orfila
~~Secretary-General of the~~
Organization of American
States

