

OEA/Ser.D/V.11/98
19 de febrero de 1998
Original: inglés

**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SURINAME 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 IN SURINAME AND RECOGNITION OF ITS PRIVILEGES AND
IMMUNITIES**

(Firmado el 19 de febrero de 1998)

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SURINAME 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 IN SURINAME AND RECOGNITION OF ITS PRIVILEGES AND IMMUNITIES

WHEREAS the Government of the Republic of Suriname, on June 8, 1977, deposited the instrument of ratification of the Charter of the Organization of American States and of the Protocol of Buenos Aires, signed on February 22, 1977, during the fourth special session of the General Assembly, which adopted resolution AG/RES.266(IV-E/77), in which it resolved "To authorize the Secretary General to accept, for the appropriate purposes, the signature on behalf of Suriname of the Charter of the Organization of American States and its deposit of the corresponding instrument of ratification";

The Council of the Organization of American States (OAS), in a resolution adopted on June 3, 1953, authorized the Secretary General to establish offices of the General Secretariat of the Organization of American States in the various member states;

Moreover, Article 133 of the Charter of the Organization establishes that it "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";

For these reasons, it is necessary to conclude a formal 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 the Republic of Suriname will accord the General Secretariat of the Organization of American States, in relation to the functioning of its Office in Suriname.

THEREFORE the Government of the Republic of Suriname, hereinafter referred to as the Government, represented by the Minister for Foreign Affairs of the Republic of Suriname; and the General Secretariat of the Organization of American States, hereinafter referred to as the General Secretariat, represented by Dr. César Gaviria Trujillo, Secretary General of the Organization of American States.

AGREE TO THE FOLLOWING:

Article 1

USE OF TERMS

In this Agreement:

- a) The term "the Organization" means "the Organization of American States".
- b) The term "General Secretariat" means the "General Secretariat of the Organization of American States".
- c) The term "the Secretary General" means "the Secretary General of the Organization of American States".
- d) The term "the Office" means "the Office of the General Secretariat of the Organization of American States".
- e) The term "Director of the Office" is "the person charged by the Secretary General of the Organization of American States with the duty of acting in that capacity".
- f) The term "the member states" means "the states that are members of the Organization of American States".
- g) The term "Government" means "the Government of the Republic of Suriname".
- h) The term "the competent Suriname authorities" means "the national authorities of Suriname, in accordance with the law of that country".
- i) The term "Ministry for Foreign Affairs" means "the Ministry for Foreign Affairs of the Republic of Suriname".
- j) The term "property" means "the real property, furnishings, vehicles and means of transportation, equipment and supplies, rights of any nature, funds in any currency, gold, and foreign exchange, possessions, income, and donations, operations, and other assets and, in general, all property that may belong to a natural or juridical person".
- k) The term "Offices" means all "the dependencies and premises of the General Secretariat of the Organization of American States in Suriname".

- l) The term "archives" means "the correspondence, manuscripts, photographs, films, sound recordings, as well as any other documents and audio-visual materials of any nature that may be the property of the Office of the General Secretariat of the Organization of American States in Suriname, or that may be in its possession".
- m) The term "Office staff" means all "the employees of the Office, regardless of level or rank, including administrative and service personnel, of any nationality".
- n) The term "General Secretariat staff" means all "the employees of the General Secretariat of the Organization of American States, regardless of level and rank including administrative and service personnel, of any nationality, and regardless of the place or country in which they serve; as well as staff members of any level or rank of the Specialized Organizations of the Organization of American States, and the technicians, experts, and consultants of the Organization or of the centers or agencies that are its dependencies".
- o) The term "family members" means "relatives of the staff of the Office of the General Secretariat, by consanguinity or affinity, who are the staff member's dependents, regardless of the degree of relationship, in accordance with legal provisions existing in Suriname and, especially, the spouse, children, and grandchildren of the staff member, as well as his parents, brothers and sisters, and nephews and nieces of the staff member or his spouse".
- p) The term "contribution" means all "the taxes, payments, and contributions, and all other levies of the same or similar nature that the legislature of Suriname may contemplate".

Article 2



The Office, the General Secretariat, and the Organization shall have juridical personality and shall therefore have legal capacity:

- a) to contract;
- b) to acquire and dispose of immovable and movable property;
- c) to be a party to legal proceedings.

Article 3

FUNCTIONING OF THE OFFICE

As a part of the General Secretariat of the Organization of American States, the office will carry out in Suriname all the functions assigned to it by the Secretary General of the Organization of American States.



Article 4

OBJECTIVES

The principal objectives of the Office shall be:

- a) To represent the General Secretariat before the competent Surinamese authorities and in all acts concerning the functioning of the Office and the General Secretariat.
- b) To serve as a center for promoting, supervising, and coordinating all the activities and operations of the General Secretariat in Suriname.
- c) To promote the exchange of information and experience, and to foster coordination with other international organizations, as well as the other organs, agencies, and entities of the Inter-American system.
- d) To disseminate information on the programs and activities of the Organization among the various Government agencies, and to supervise public information activities of the General Secretariat in Suriname.
- e) To inform the national public on the principles, goals, and objectives of the Organization of American States.
- f) To encourage knowledge of the art and the culture of the peoples of the Americas, through promotion in Suriname and exchange with other hemisphere countries of exhibitions, lectures, and other artistic expressions.
- g) To represent the General Secretariat, or to act as its observer, at seminars and conferences that may be held in Suriname.
- h) To devote its activities, on a priority basis, to the provisions of direct services and technical cooperation of the Organization to Suriname, and to assist the national economic, social, educational, scientific, technological, and cultural development efforts.

Article 5

FINANCING

The Government will supply the General Secretariat of the OAS with Office space at no cost and cover the cost of water and electricity, as a means of contributing to the achievement of the objectives of the Office and helping to increase and improve the services rendered by it to the country.

Article 6

The General Secretariat shall contribute the funds required for the regular upkeep of the Office in Suriname, taking into account the appropriate annual increases in cost of living and the overall allocation of funds earmarked for the financing of the Offices of the General Secretariat of the Organization of American States away from headquarters, based on a proportionate distribution. Moreover, the General Secretariat shall provide the Office with all the materials, equipment, and supplies required for its proper operation.

Article 7

FREEDOM OF ACTION

The Office, the General Secretariat, and the Organization shall enjoy independence and freedom of action in Suriname, such as is appropriate to an international organization, in accordance with international custom.

Article 8

PROPERTIES, PREMISES, AND ARCHIVES

The Office, the General Secretariat, and the Organization, as well as their properties, premises, and archives shall enjoy immunity from judicial and administrative process in Suriname, and shall not be subject to search, confiscation, or any other measures of execution, except in those particular cases in which this immunity is expressly waived by the Director of the Office, duly authorized by the Secretary General. The Director of the Office or the Secretary General, as the case may be, shall take the necessary measures, and cooperate with the competent Surinamese authorities in solving any litigations resulting from contracts or acts of private law to which the Office, the General Secretariat, or the Organization are parties. The effects of this waiver shall not extend to measures of execution that affect the properties, premises and archives of the Office, the General Secretariat, and the Organization, which shall require a new and express waiver.

Article 9

The premises, properties, and archives of the Office, the General Secretariat, and the Organization shall be inviolable, where ever they may be located within the territory of Suriname, and by whomsoever held; they shall enjoy immunity from seizure, requisition, expropriation, censorship, search, confiscation, and any other form of intervention, either of an executive, administrative, judicial, or legislative nature. The consent of the Director of the Office must be given before agents of the state may enter the premises of the Office, the General Secretariat, and the Organization.

Article 10



The Office, the General Secretariat, and the Organization :

- a) May hold funds in any kind of currency, coin, paper, checks, and foreign exchange of any kind, or have these funds deposited in banking, financial, or any other public or private, civilian or commercial institution, as well as keep accounts in any type of currency in said institutions;
- b) Shall be free to transfer their funds in coin, paper, or foreign exchange abroad, or from one place to another within the territory of Suriname, as well as to convert them into other currencies, without being subject to the limitations, official rates of exchange, or any other restrictions, or measures of control or inspection that may be established;

In the exercise of the rights set forth in this article, the Office, the General Secretariat, and the Organization shall not be subjected to inspections, moratoria, or other Government rules or regulations. However, they shall commit themselves to pay due attention to any objection that the Government may make, provided that said objection does not imply a detriment to the interests of the Office, the General Secretariat, and the Organization.

Article 11

The Office, the General Secretariat, and the Organization, as well as their properties, premises, and archives, shall be exempt from all taxes and contributions, either of a national, regional, or municipal nature, and especially from those that affect:

- a) Movable or real property or its equivalent value, as well as purchase and sales of movable or real property, including taxes on registration and records.
 - b) Air, ocean, river, or land transportation tickets acquired either for local or international travel.
 - c) Telex, cable, teletype, and other similar communication services.
 - d) Telephone services, including long distance and international calls.
 - e) Insurance policies.
 - f) Banking operations, including loans.
 - g) Accommodation, hotel and boardinghouse costs for persons lodging on business of the Office, the General Secretariat or the Organization.
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- h) License plates for vehicles and means of transportation, which shall be special license tags as appropriate for international organizations.
- i) Construction of buildings on its property, including building permits and other similar taxes.

Article 12

In view of the nature of the Organization as a nonprofit agency, under Public International law, whose activities are designed to benefit the country and the national collectivity, the office, the General Secretariat, and the Organization are exonerated from payment of taxes, contributions, or charges, regardless of their retributive character, on:

- a) Public lighting services, cleaning, sweeping, care of gardens and other similar services with respect to the premises they own or rent.
- b) "Contributions" or "improvement taxes" affecting the premises they own, on account of the execution of public or municipal works.
- c) Storage and port movement services involving goods they import for their own use or for delivery to national institutions.

Article 13

Moreover, the Office, the General Secretariat, and the Organization shall be charged the rates applicable to the Government in the matter of lighting, water, telephone, telex, cable, telegram, and post services, and they shall also be provided with the utmost facilities to make use of State transportation services.

Article 14

For the purpose of exemptions or facilities contemplated under articles 13, 14, and 15, a certifying document issued by the Office or by the General Secretariat, duly authorized by the Ministry for Foreign Affairs, shall suffice.

Article 15

The Office, the General Secretariat, and the Organization shall be exempt from customs duties and any other assessments, prohibitions, and restrictions on goods and archives that they may import or export for the conduct of their operations. It is understood, however, that articles imported under such exemption may be sold duty-free unreimbursed only after the respective terms have been met, or by specific authorization by the Ministry for Foreign Affairs. These privileges shall be extended to articles and archives, whether or not they are the property of the Office, the General Secretariat, or

the Organization, imported to be donated or loaned to the Government or to public or private agencies, in connection with their institutional purposes.

Article 16

The Office, the General Secretariat, and the Organization shall be exempt from every type of taxation on judicial or administrative process, as well as on any legal acts or transactions. Moreover, donations and loans that they may, in compliance with their official purposes, grant, or obtain from public or private institutions or natural persons, on funds or articles that are their property, or that may be delivered or entrusted to them to be donated or loaned, shall also be exempt.

Article 17

The exemptions referred to in articles 13, 14, 15, 17 and 18 of this Agreement exclusively cover that part or portion that the Office, the General Secretariat, or the Organization would be obliged to pay under the laws in force in Suriname.

Article 18

When, for any reason, the Office, the General Secretariat, or the Organization, has paid taxes, customs duties, charges, or assessments and services from which they are exempted by this Agreement, the Government shall take the necessary steps to ensure the return of the sums paid for such taxes.

Article 19

The Office, the General Secretariat, and the Organization shall be exempt from any obligation concerning the withholding or the collection of any taxes or assessments.

Article 20

FACILITIES REGARDING COMMUNICATIONS

For its Official communications, both national and international, the office, the General Secretariat, and the Organization shall enjoy in the territory of Suriname treatment no less favorable than that accorded by the Government to any diplomatic mission or any other international organization, with reference to priorities, schedules, rates, and direct or indirect taxes on cables, telex, telegrams, radiograms, telephone services, and other communications, and to special rates for information sent to the press, radio, and

television. No restrictions shall be placed on the official correspondence and other official communications of the Office, the General Secretariat, and the Organization.

Article 21

The Office, the General Secretariat, and the Organization 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.

Article 22

The Government shall recognize postage-free privileges for the correspondence, printed matter, and parcels sent by the Office, the General Secretariat, and the Organization, as set forth in Article 136 of the Charter of the Organization of American States.

Article 23

OFFICE AND GENERAL SECRETARIAT STAFF

The Office Staff be appointed by the Secretary General of the Organization of American States in accordance with the provisions of Article 120 of the Charter of the Organization of American States.

Article 24

The Office shall be supervised by a Director, who shall act as its legal representative.

Article 25

The Office and General Secretariat staff members shall enjoy immunity against any personal arrest, detention or administrative or judicial proceedings related to their official acts and deeds and related to any oral or written statements they may make in the performance of their duties, even after such duties have ended. However, the Secretary General of the Organization of American States may waive such immunity in such instances as he may deem necessary.

Article 26

The Office and General Secretariat staff members shall enjoy inviolability of their equipment, papers, and documents, and shall be exempt from payment of direct taxes of any kind from income tax, contributions, payments and charges on salaries, benefits and other emoluments received from the Office and from the General Secretariat, including those related to retirement pensions and indemnization.

Article 27

The Ministry for Foreign Affairs shall issue special identification papers to Office and General Secretariat staff members assigned to service in Suriname, and to their family members.

Article 28

Office and General Secretariat staff members who are not nationals of the Republic of Suriname:

- a) Shall be exempt, along with their family members, from restrictions on entry into and exit from the country, even at times of international crisis, and from any compulsory national service. They shall also be exempt from being entered in the alien registry and from paying the corresponding duties and taxes.
- b) Shall enjoy the broadest freedom in the transfer of funds for the negotiation in any place or manner of foreign exchange, checks, coins, foreign currency or bills that they receive as payment and benefits for their services, and shall not be subject to the limitations, official exchange rates, restrictions, or supervision or control measures that may be established in this area.
- c) Shall enjoy exemption from taxes on vehicles, which shall have special license plates issued through the Ministry of Foreign Affairs.
- d) Shall enjoy, together with the members of their families, the greatest facilities for the free issuance of driver's licenses for automobiles or other vehicles, it being sufficient to present a corresponding license issued by another state or an Inter-American or international driver's license.
- e) May import, exempt from import and additional duties and exempt from customs and clearance duties, baggage, effects, and furniture they bring with them for installation in the country. This provision shall also apply to the effects and household furnishings that arrive as unaccompanied baggage, in one or several shipments, provided they enter the country within six months following the owner's arrival.



- f) Shall have the right to import duty free one automobile or other vehicle for their personal use and to transfer title thereto under the conditions and during the periods established by the rules in effect. Nevertheless, transfer of the following automobiles or vehicles shall be exempt from such conditions or periods:
- i) Those which have belonged to Office or General Secretariat staff members who have died in the performance of duty;
 - ii) Those transferred due to official transfer of Office or General Secretariat staff members to another member state, provided they have served for more than one year in Suriname.
- g) May also import articles for their use or personal consumption or for their homes and family members during their official stay in the country and up to three months following the date of their final departure from Suriname. Such articles shall be subject to customs duties, clearance and exemption from import duties and other duties, provided that their FOB import values and additional values do not surpass the annual quotas and maximum import quantities assigned to the persons entitled.
- h) May freely export luggage, effects, furniture, and vehicles, belonging to them at the end of their mission in the country and up to three months after their final departure.

Article 29

The Director of the Office shall enjoy the benefits of the annual quota of free imports that the Government grants to Chiefs of Foreign Missions. The remaining members of the office and General Secretariat staff who are not nationals of Suriname and who are entitled to this right shall have the same quotas as First Secretaries, Military, Naval and Air Attaché's, and first Consuls.

Article 30

Office and General Secretariat staff members who are nationals of Suriname:

- a) Shall enjoy monetary and exchange facilities when official missions assigned them are to be carried out abroad.
 - b) May export their luggage, effects, furniture, and vehicles in accordance with the provisions in effect and under conditions no less favorable than those the government extends Surinamese staff members of other international organizations.
 - c) Upon their return to Suriname, after having ceased to render services to the General Secretariat or to the Organization in another country, or when being transferred to perform duties in Suriname, they shall enjoy exemption for the following purposes:
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- i. To import effects and furniture belonging to persons entitled free of import duties and additional duties, and free of other inspection and customs duties, in one or several shipments and up to six months from those person's arrival.
 - ii. To import one automobile duty free for their personal use, which may be transferred without paying taxes only after the period in effect.
- d) Shall be subject to national service, although the Government undertakes to consider the needs shown by the Office, the General Secretariat, or to the Organization with regard to the professional or technical staff.

Article 31

The Office and General Secretariat staff shall be protected by the working rules and social protection of the Organization. Therefore, the Organization need not affiliate its staff with the national social security system. Nevertheless, the Office and the General Secretariat may make arrangements with the national social security institutions aimed at establishing systems for protection against risks and for social benefits for its staff, when it so deems advisable.

Article 32

The Director of the Office or his substitute shall convey to the Ministry for Foreign Affairs the roster of Office and General Secretariat staff on duty in Suriname, who shall be entitled to the immunities and prerogatives contemplated in this Agreement.

Article 33

FELLOWSHIP STUDENTS OF THE ORGANIZATION

Allowances or stipends to fellowship students of the Organization shall be exempt from all taxes, payments, charges and contributions.

Article 34

The fellowship students of the Organization who are not nationals of Suriname and their spouses and dependents shall be exempt from being entered in the alien registry and from paying the corresponding taxes and duties, and the Government shall grant them the greatest facilities for immigration. At no cost whatever and in response to a written request made by the Office, the General Secretariat or the Organization, diplomatic and consular delegations of Suriname abroad shall grant OAS fellowship students and their spouses and dependents official visas in their passports for the length of study or research fellowships in Suriname.

Article 35

Fellowship students of the Organization who are not nationals of Suriname shall also enjoy the prerogatives and facilities provided for in Article 28, paragraphs b, d, and h of this Agreement.

Article 36

TRAVEL FACILITIES

The Government recognizes the Official Travel Document the General Secretariat of the Organization of American States issues as a valid and adequate document for travel by staff of the Office, the General Secretariat, or the Organization.

Article 37

The Official Travel Document of the OAS does not require a visa for its holder to enter Suriname and remain there until conclusion of the mission for which he is responsible. Members of the families of holders of the Official Travel Document who are not included in such document shall obtain, without delay or waiting period, without being required to appear at the diplomatic mission or consulate of Suriname, and without the payment of any fee, official visas in their passports that will allow them to enter the territory of Suriname and to remain there. This provision also applies to staff members of the General Secretariat or the Organization and to members of their families who, due to the short-term mission assigned, lack the Official Travel Document and must enter Suriname with passports issued by their countries of origin.

The Government shall set forth the appropriate measures for such cases.

Article 38

The Secretary General and the Assistant Secretary General of the Organization, and the Executive Secretaries, Assistant Secretaries, and other senior officials of the General Secretariat of the Organization shall enjoy the privileges appropriate to their posts and positions in accordance with international custom when they visit Suriname on a working mission.

Article 39

In view of their service mission, domestic or international travel by staff members of the Office, the General Secretariat or the Organization on official missions, and such travel by OAS fellowship students and persons invited by the Organization to participate in

contests or special events shall not be subject to the payment of port, airport, or exit taxes. These provisions also apply to the members of the families of such staff members and of the fellowship students of the Organization.

Article 40

GENERAL PROVISIONS

The Office, the General Secretariat, and the Organization shall cooperate with the competent Surinamese authorities to facilitate the appropriate administration of justice to see that police, traffic, health, and other ordinances and regulations are obeyed; and they shall prevent abuses of the privileges, immunities, and facilities granted through this Agreement.

Article 41

The Office, the General Secretariat, and the Organization shall take the measures necessary for the appropriate settlement of:

- a) Disputes arising out of contracts or other matters of private law to which they are parties.
- b) Disputes in which any member of their staffs is a party, with regard to which he has immunity, provided that the Director of the Office, duly authorized for such purpose by the Secretary General of the Organization of American States, has not expressly waived such immunity.

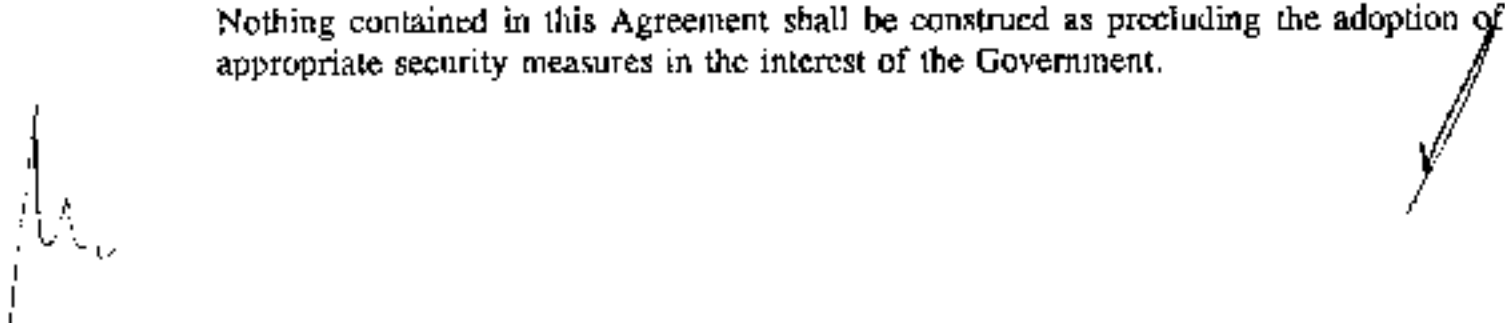
Article 42

The Office, the General Secretariat and the Organization, as well as their staff members, may avail themselves of the most favorable existing provisions or those set forth or decided upon in the future in the matter of immunities, privileges, or prerogatives in favor of other international organizations or technical cooperation missions and in favor of the staff members of such organizations or missions.

Article 43

FINAL PROVISIONS

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



Article 44

This Agreement shall enter into force once the Government of the Republic of Suriname has given notice to the OAS, through Diplomatic Note, of the approval pursuant to its constitutional regulations and the OAS has confirmed the receipt of said Diplomatic Note.

Article 45

This Agreement may be revised and amended by mutual consent of the Government and the General Secretariat.

Article 46

Either party may terminate this Agreement by written notification to the other one year in advance.

Article 47

Any dispute concerning the application or interpretation of the provisions of this Agreement shall be submitted to the settlement procedure established by the Government and the General Secretariat by mutual agreement.

IN WITNESS WHEREOF, the undersigned, duly authorized for this purpose, sign this Agreement in duplicate in Paramaribo, on this 19th day of February of the year one thousand nine hundred ninety eight.

For the Organization of
American States,



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Dr. César Gaviria Trujillo
Secretary General

For the Government
of the Republic of
Suriname,



.....
E.G. Snijders
Minister for
Foreign Affairs