

# ORGANIZATION OF AMERICAN STATES



GENERAL SECRETARIAT

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AGREEMENT BETWEEN THE GOVERNMENT OF TRINIDAD AND  
TOBAGO AND THE GENERAL SECRETARIAT OF THE  
ORGANIZATION OF AMERICAN STATES ON THE  
ESTABLISHMENT AND FUNCTIONING IN PORT-OF-SPAIN  
OF THE OFFICE OF THE GENERAL SECRETARIAT OF THE  
ORGANIZATION OF AMERICAN STATES IN  
TRINIDAD AND TOBAGO

(Signed in Washington, D.C., on June 29, 1970)

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WHEREAS:

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

In 1967 Trinidad and Tobago 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 Trinidad and Tobago;

The Office of the General Secretariat of the Organization of American States in Trinidad and Tobago was established in 1967 with the consent of the Government of Trinidad and Tobago, 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 Trinidad and Tobago will accord the General Secretariat, with respect to the functioning of the Office,

THEREFORE,

THE GOVERNMENT of Trinidad and Tobago and

THE GENERAL SECRETARIAT of the Organization of American States

AGREE TO THE FOLLOWING:

#### USE OF TERMS

#### ARTICLE 1

In this Agreement

- a. "Government" means the Government of Trinidad and Tobago;
- b. "Organization" means the Organization of American States;
- c. "General Secretariat" means the General Secretariat of the Organization of American States;
- d. "Office" means the Office of the General Secretariat of the Organization of American States in Trinidad and Tobago;
- e. "Competent Authority" means national or other authorities of Trinidad and Tobago, according to the law of the land;
- f. "Secretary General" means the Secretary General of the Organization of American States;
- g. "Assistant Secretary General" means the Assistant Secretary General of the Organization of American States;

- h. "Director" means the designated Representative of the Secretary General of the Organization of American States entrusted with the duties of administering the Office;
- i. "Official of the Office" means any member of the international staff of the General Secretariat, including personnel contracted by the General Secretariat, stationed in Trinidad and Tobago;
- j. "Property" as used in Articles 9 and 11 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.

## PURPOSE AND FUNCTIONING OF THE OFFICE

### ARTICLE 2

The purpose of the Office shall be 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 purposes of the Organization.

#### ARTICLE 3

The Office shall act as the Secretariat of the National Committee on the Alliance for Progress in Trinidad and Tobago.

#### ARTICLE 4

The Government shall provide the Office with an annual sum of TT \$4,500 which shall be expended in providing salaries for secretarial, clerical or similar personnel. This sum or the applicable portion thereof shall be paid to the Office within 15 days after the signing of this Agreement by the parties concerned, and thereafter, 30 days before the beginning of each calendar year.

#### ARTICLE 5

The General Secretariat shall make an annual contribution of funds that it appropriates for the maintenance of the Office in Trinidad and Tobago, of funds that it may decide to assign from its own budget, or from funds that may be made especially available to it 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 6

The Office shall be an integral part of the General Secretariat of the Organization of American States, which appoints its staff.

#### ARTICLE 7

In the territory of Trinidad and Tobago, 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 8

The Office shall have juridical personality in the territory of Trinidad and Tobago 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 9 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 9

The Office, as well as its property, funds, and assets, shall enjoy in Trinidad and Tobago 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 10

The premises, offices, archives, and documents of the Office shall be inviolable.

#### ARTICLE 11

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 between the Government and the General Secretariat;
- c. customs duties and prohibitions and restrictions on the importation and exportation of its publications.

#### ARTICLE 12

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 of Trinidad and Tobago and 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 such representations may be taken into account without detriment to the interests of the General Secretariat.

## FACILITIES REGARDING COMMUNICATIONS

### ARTICLE 13

For its official communications, the Office shall enjoy in Trinidad and Tobago 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 mail, 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.

### 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

### ARTICLE 15

The officials of the Office 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

### Officials of the Office:

- a. shall enjoy immunity from all national service obligations;
- b. shall be given, together with their spouses and relatives dependent on them, every facility compatible with the immigration laws;
- c. shall be allowed to import, free of duty or tax, their furniture and effects, including one automobile each, for personal and family use, on first taking up their post in Trinidad and Tobago; the regulations in force for the resident diplomatic corps shall apply to the transfer of each automobile. Articles so imported may be exported free of duty or tax.

## ARTICLE 17

In addition to the privileges, immunities and facilities set forth in Articles 15 and 16 of this Agreement, the Director of the Office shall enjoy the privileges, immunities and facilities granted to resident representatives of other international organizations accredited to Trinidad and Tobago.

## ARTICLE 18

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 and 17 of this Agreement.

## ARTICLE 19

Privileges and immunities are granted to officials of the Office in the interests of the Office only. Consequently, the Director, duly authorized to do so by the Secretary General of the Organization of American States, shall waive the privileges and immunities of any officials in cases 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, and of the General Secretariat.

Secretary General and Assistant Secretary General

ARTICLE 20

The Secretary General and the Assistant Secretary General of the Organization, their spouses and minor children, shall be granted the privileges and immunities, exemptions and facilities granted to diplomatic envoys.

TRAVEL FACILITIES

ARTICLE 21

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 of the Organization.

ARTICLE 22

The "Official Travel Document" mentioned in the previous Article does not require a visa for its holder to enter Trinidad and Tobago and remain therein for the duration of his official mission.

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 in the Consulate, Legation, or Embassy of Trinidad and Tobago, and without the payment of any fee, visas in their passports that will permit them to enter the national territory and to remain therein. The Government shall take the steps necessary to accomplish this purpose.

## COOPERATION AND SETTLEMENT OF DISPUTES

### ARTICLE 23

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 24

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 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 19.

## FINAL PROVISIONS

### ARTICLE 25

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

### ARTICLE 26

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 27

This Agreement shall enter into force on the day on which it is signed.

ARTICLE 28

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., United States of America, on the 29<sup>th</sup> day of June, one thousand nine hundred seventy.

FOR THE GOVERNMENT



Francis C. Prevatt  
Minister of External Affairs  
of Trinidad and Tobago

FOR THE GENERAL SECRETARIAT



Galo Plaza  
Secretary General of the  
Organization of American States

