

MIGRATION AND REFUGEES

Protection for Nationals of Haiti

**Memorandum of Understanding
Between the UNITED STATES OF AMERICA
and SAINT LUCIA**

Signed at Saint Lucia July 15, 1994



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“. . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

SAINT LUCIA

**Migration and Refugees: Protection for
Nationals of Haiti**

*Memorandum of understanding
signed at Saint Lucia July 15, 1994;
Entered into force July 15, 1994.*

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF SAINT LUCIA
AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
FOR
THE ESTABLISHMENT WITHIN THE TERRITORY OF
SAINT LUCIA
OF FACILITIES TO PROVIDE TEMPORARY PROTECTION
UNDER THE AUSPICES OF
THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
FOR NATIONALS OF HAITI FLEEING THEIR COUNTRY

THE GOVERNMENT OF SAINT LUCIA and THE GOVERNMENT OF THE UNITED STATES OF AMERICA (hereinafter referred to as "the Parties"):

Aware of the deterioration in the human rights situation in Haiti following the overthrow of President Aristide on the 30th of September 1991;

Conscious of the fact that many nationals of Haiti are fleeing their country;

The Government of St Lucia out of deep concern about the desparate conditions under which the nationals of Haiti continue to exist and desirous of extending Humanitarian Assistance to these Nationals; and

Desirous of creating conditions for the establishment of a temporary protection facility in Saint Lucia available to nationals of Haiti who are fleeing their country;

In cooperation with the United Nations High Commissioner for Refugees and in support of the effort to restore democracy to Haiti;

Have agreed as follows:

Article 1
Scope

This Memorandum of Understanding addresses possible cooperation between the Government of Saint Lucia and the Government of the United States of America in establishing and operating a temporary protection facility in the territory of Saint Lucia under the auspices of the United Nations High Commissioner for Refugees ("UNHCR") for nationals of Haiti fleeing their country (hereinafter referred to as "the operation").

Article 2
Facilities

The Government of the United States of America or its designated contractor may establish, maintain, and operate, in cooperation with UNHCR, a reception center and any necessary temporary protection facilities and required support facilities at a location in Saint Lucia to be determined (hereinafter referred to as "the facilities"), and may take such other actions as are necessary to the operation.

Article 3
Purpose of the Facilities

The purpose of the facilities will be to provide temporary protection for nationals of Haiti fleeing their country not exceeding Five Thousand (5,000).

Article 4
Transport of Nationals of Haiti

The Government of Saint Lucia shall grant authorization to officials of the Government of the United States of America to enter the territory, including national airspace and the territorial sea and internal waters, of Saint Lucia to transport to the facilities nationals of Haiti rescued or interdicted at sea and for other purposes consistent with this Memorandum of Understanding. The Parties will coordinate concerning routes and security for such transportation of nationals of Haiti.

Article 5
Maintenance of the Facilities

The Government of the United States of America, in cooperation with UNHCR, shall provide for the basic health and welfare of the nationals of Haiti within the facilities. In this regard, the Government of Saint Lucia authorizes the Government of the United States of America to apply its own regulations.

Article 6
Security Arrangements

1. The Government of the United States of America shall, in cooperation with UNHCR, provide for the general security, good order, and discipline of Haitian nationals at all stages of the operation. In this regard, the Government of Saint Lucia authorizes the Government of the United States of America to apply its own regulations.

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2. Law enforcement officials of the Government of Saint Lucia shall cooperate with the authorities of the Government of the United States of America in maintaining general security, good order, and discipline in the facilities.

3. The Government of the United States of America shall, at the request of the Government of Saint Lucia, transfer any national of Haiti in the facilities reasonably suspected of committing a criminal act in Saint Lucia following entry into Saint Lucia pursuant to this Memorandum of Understanding to the custody of the Government of Saint Lucia for the exercise of criminal jurisdiction.

Article 7
Access to the Facilities

Both Parties will undertake to ensure transparency in the operation of the facilities and, to this end, will make timely and reasonable arrangements for appropriate access to the facilities by:

- (i) persons designated by the Government of the United States of America and the Government of Saint Lucia as observers, and
- (ii) members of the press.

Article 8
The United Nations High Commissioner for Refugees

The Parties shall cooperate with UNHCR in the performance of its duty of providing international protection and of seeking permanent solutions to the problems of the refugees.

Article 9
Costs

1. The Government of the United States of America shall bear the necessary costs directly attributable to the operation, including the costs of establishing, maintaining, and closing the facilities.

2. Subject to the limitation in Article 21(1), the Government of the United States of America will reimburse the Government of Saint Lucia for directly attributable costs it has incurred in the operation, including administrative costs directly attributable to implementation of this Memorandum of Understanding.

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3. The Government of Saint Lucia shall provide necessary real property for the operation at no cost to the Government of the United States of America.

Article 10
Environment

1. The Parties shall take all reasonable care to protect the natural environment in the conduct of the operation. In this regard, appropriate measures shall be adopted with regard to the disposal of all waste.

2. Consistent with paragraph 1 of this Article, upon closure of the facilities, the Government of the United States of America shall, unless otherwise agreed, remove from Saint Lucia all moveable properties at the facilities. The Parties shall mutually agree on the disposition of immovable properties.

Article 11
Status of Personnel

1. The Government of Saint Lucia shall accord to personnel of the Government of the United States of America assigned to the operation (hereinafter referred to as "United States personnel") privileges and immunities equivalent to those provided to personnel of comparable rank of the United States Embassy.

2. It shall be the responsibility of the United States personnel to respect the laws of Saint Lucia and to abstain from any activity inconsistent with the spirit of this Memorandum of Understanding. Authorities of the Government of the United States of America will take necessary measures to that end.

Article 12
Entry and Exit

The Government of Saint Lucia shall permit United States personnel to enter and exit Saint Lucia upon presentation of United States Government identification, military identification, passport, or other approved identification.

Article 13
Freedom of Movement

The Government of Saint Lucia shall permit the vessels, aircraft, and vehicles of the United States, and United States personnel, to move freely within Saint Lucia in pursuit of their official duties.



Article 14
Taxation

1. The Government of the United States of America shall be exempted from the payment of any sales, use, or other taxes or charges levied by the Government of Saint Lucia or its agencies.

2. The Government of Saint Lucia shall exempt United States personnel from any taxes, fees, or other charges on income received from the United States.

Article 15
Imports, Exports, and Acquisition

1. The Government of Saint Lucia shall allow, free from duties, fees, dues, internal taxation, or other assessments, the importation or exportation of products, property, materials, or equipment imported into Saint Lucia by or on behalf of the Government of the United States of America or United States personnel, on production of a certification by United States authorities that such products, property, materials, or equipment are for the purpose of the operation. The Government of Saint Lucia authorizes the Government of the United States of America to bring in and send out mail free from any charges and to establish armed forces post offices for this purpose.

2. The Government of the United States of America shall maximize, as appropriate and consistent with United States law, use of local materials, goods, products, and labor, as well as local contracts, in support of the operation.

Article 16
Claims

1. Both Parties shall waive any and all claims against each other (other than contractual claims) for damage, loss or destruction of the other's property arising from activities to which this Memorandum of Understanding applies.

2. With respect to claims against the United States, other than contractual claims and those waived pursuant to paragraph 1 of this Article, the Government of the United States of America, in accordance with its legal authorities, shall pay just, fair, and reasonable compensation in settlement of meritorious claims arising out of acts or omissions of United States personnel, or which are otherwise incidental to operation-related activities of the Government of the United States of America. These claims shall be expeditiously processed and settled by United States authorities in accordance with United States law.

3. Claims for damage to property or persons caused by nationals of Haiti in Saint Lucia pursuant to this Memorandum of Understanding shall be discussed by the Committee established pursuant to Article 20(1).

Article 17

Public Utilities, Communications, and Support and Services

1. The Government of the United States of America may use water, electricity, and other public utilities and facilities on terms and conditions, including rates or charges, no less favorable than those available to the Government of Saint Lucia, in like circumstances, unless otherwise agreed. The Government of Saint Lucia shall, upon request, assist United States authorities in obtaining water, electricity, and other public utilities and facilities.

2. The Government of the United States of America shall be authorized to use its own communications networks, communications-electronics installations, radio frequencies, transportable equipment, and organic communications systems, as well as those of the Government of Saint Lucia, as may be necessary to accomplish the specific purposes of the operation. The Government of Saint Lucia shall facilitate the use of its communications facilities.

3. The Government of Saint Lucia will provide or arrange for the provision of such additional support and services as may be requested by the Government of the United States of America on agreed terms and authorizes officials of the Government of the United States of America to contract in Saint Lucia.

Article 18

Use of Transportation Facilities

Vehicles, vessels, and aircraft of the United States shall not be subject to the payment of landing or port fees, pilotage charges, navigation or overflight charges, or tolls or other use charges, including light and harbor dues, while in Saint Lucia. Aircraft operated by or for the United States shall observe local air traffic control regulations while in Saint Lucia. Vessels owned or operated by the United States shall not be subject to compulsory pilotage at ports in Saint Lucia.

Article 19

Licensing

1. The Government of Saint Lucia shall waive any requirements for the licensing and credentialing of health care or other United States personnel who are properly credentialed under United States law or regulations.



2. The Government of Saint Lucia shall exempt United States personnel who are licensed under United States law or regulations from holding a driver's license issued by authorities of Saint Lucia. Service vehicles owned or operated by the United States shall be exempted from any licensing, registration, or insurance requirements.

Article 20
Final Provisions

1. The Parties agree to establish a Committee for consultation on any matter relating to the implementation of this Memorandum of Understanding. UNHCR will be represented on the Committee.

2. Any disagreements regarding the interpretation of this Memorandum of Understanding which cannot be resolved by the Committee referred to in paragraph 1 of this Article shall be resolved through diplomatic channels.

3. This Memorandum of Understanding shall enter into force upon signature.

4. Any modifications or amendments to this Memorandum of Understanding shall be by mutual consent, in writing, of the Parties.

5. This Memorandum of Understanding shall remain in force until terminated by either Party, upon one month's written notification.

6. Upon termination, the Government of the United States of America shall be granted a reasonable time within which to terminate the operation and close the facilities.

Article 21
Limitation

1. Performance of all obligations and commitments of the Government of the United States of America in this Memorandum of Understanding is subject to the availability of appropriated funds. Nothing in this Memorandum of Understanding may be read as implying that the United States Congress will at a later date appropriate funds sufficient to meet commitments of the Government of the United States of America under this Memorandum of Understanding.

A handwritten signature and initials, possibly 'J. P. H.', are located in the bottom right corner of the page.

2. Nothing in this Memorandum of Understanding will confer any rights or interests enforceable at law or otherwise on non-Parties to this Memorandum of Understanding.

DONE at Saint Lucia, this 15th day of July, 1994, in duplicate.



FOR THE GOVERNMENT OF
SAINT LUCIA



FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA

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