

No. 11007

**BARBADOS
and
CARIBBEAN DEVELOPMENT BANK**

**Agreement regarding the Headquarters of the Caribbean
Development Bank (with annex). Signed at Bridgetown
on 2 June 1970**

Authentic text : English.

Registered by Barbados on 8 March 1971.

**BARBADE
et
BANQUE DE DÉVELOPPEMENT DES CARAÏBES**

**Accord relatif au siège de la Banque de développement
des Caraïbes (avec annexe). Signé à Bridgetown
le 2 juin 1970**

Texte authentique : anglais.

Enregistré par la Barbade le 8 mars 1971.

AGREEMENT¹ BETWEEN THE CARIBBEAN DEVELOPMENT
BANK AND THE GOVERNMENT OF BARBADOS
REGARDING THE HEADQUARTERS OF THE CARIB-
BEAN DEVELOPMENT BANK

The Government of Barbados and the Caribbean Development Bank,

Desiring to conclude an agreement regarding the principal office of the Caribbean Development Bank in Barbados and the privileges, immunities and facilities to be granted to it by the Government of Barbados and other related matters,

Have agreed as follows :

Article 1

DEFINITIONS

Section 1

Unless otherwise specifically provided herein or the context otherwise requires, the following words shall have the following meanings :

- (a) " Government " : the Government of Barbados;
- (b) " Bank " : The Caribbean Development Bank, its organs, officers and staff, and its subsidiary bodies;
- (c) " President " : the President of the Bank and, during his absence or incapacity, the officer authorised to act as President;
- (d) " Laws of Barbados " : the Constitution of Barbados, its acts of Parliament, common law in force in Barbados, judicial decisions, statutory instruments, and any other enactments having the force of law in Barbados;
- (e) " Headquarters Seat " :
 - (i) the premises defined in Annex A hereof;
 - (ii) any premises, land or building which may from time to time be temporarily or permanently substituted for or added to the premises in sub-paragraph (i) above in accordance with this Agreement or by supplementary agreement; and
 - (iii) the temporary offices as may be agreed upon between the Government and the Bank;

¹ Came into force on 2 June 1970 by signature, in accordance with section 68.

- (f) " Member " : a State or Territory which has become a member of the Bank in pursuance of the relevant provisions of the Agreement establishing the Caribbean Development Bank;¹
- (g) " Governors " : Governors of the Bank and unless otherwise specified, their Alternates;
- (h) " Representatives of Members " : All individuals included in the delegations of Members, and duly accredited to the Bank;
- (i) " Directors " : Directors of the Bank and, unless otherwise specified, their Alternates;
- (j) " Archives of the Bank " : Records, correspondence, documents, manuscripts, still and moving pictures and films and sound recordings, belonging to, or held by the Bank;
- (k) " Officers and staff of the Bank " : The President, the Vice-President, and all other persons duly appointed and designated by the President as officers or membres of the staff of the Bank;
- (l) " Members of the family " : the spouse and children of a person entitled to benefits under this Agreement; his parents; and unmarried brothers and sisters under the age of 21, more than one-half of whose financial support is provided by him;
- (m) " Members of the household staff " : Persons, other than nationals of Barbados; employed on the domestic staff of a person entitled to benefits under this Agreement; and
- (n) " Property " : Assets, funds, income and rights belonging to or held or administered by the Bank.

Article II

JURIDICAL PERSONALITY AND FREEDOM OF ACTION

Section 2

The Bank shall possess full juridical personality and, in particular, full capacity :

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

¹ United Nations, *Treaty Series*, vol. 712, p. 217.

Section 3

The Bank shall have the independence and freedom of action belonging to an international organization.

Section 4

The Bank, its Governors, other representatives of Members, Directors, President, officers and staff, and consultants and experts performing missions for the Bank shall enjoy full freedom of meeting, discussion and decision.

Article III

IMMUNITY FROM LEGAL PROCESS

Section 5

The Bank shall enjoy immunity from every form of legal process, except in cases arising out of or in connection with the exercise of its powers to borrow money, to guarantee obligations, or to buy and sell or underwrite the sale of securities, in which cases actions may be brought against the Bank in a court of competent jurisdiction in Barbados.

Section 6

(a) Notwithstanding the provisions of section 5 of this Article, no action shall be brought against the Bank by the Government, or by any of its agencies, or by any entity or person directly or indirectly acting for or deriving claims from the Government or from any of its agencies.

(b) The Government shall have recourse to such special procedures for the settlement of disputes between the Bank and its Members as may be prescribed in the Agreement establishing the Caribbean Development Bank, in the By-Laws and regulations of the Bank or in contracts entered into with the Bank.

Section 7

The Bank and its property, wherever located and by whomsoever held, shall be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

Article IV

THE HEADQUARTERS SEAT

Section 8

(a) The principal office of the Bank shall be in the Headquarters Seat, and shall not be removed therefrom unless the Bank should so decide.

Any transfer of the principal office temporarily to another place shall not constitute a removal of the principal office unless there is an express decision by the Bank to that effect.

(b) Any building in or outside of Bridgetown which may be used with the concurrence of the Government for meetings convened by the Bank shall be temporarily included in the Headquarters Seat.

(c) The Government shall take whatever action may be necessary to ensure that the Bank shall not be dispossessed of all or any part of the Headquarters Seat without the express consent of the Bank.

Section 9

The Government shall not dispose of all or any part of the Headquarters Seat without the consent of the Bank.

Section 10

The Government grants to the Bank and the Bank accepts from the Government for use as the Bank's Headquarters Seat the use and sole occupancy of the premises described in Annex A hereto, where suitable offices meeting the requirements of the Bank, to be determined in consultation with the Government, will be provided and furnished by the Government. The Government undertakes to keep the Bank's requirements for space under continuing review and to make contiguous or other appropriate premises available to the Bank as and when required.

Section 11

The Government shall be responsible for :

- (a) The cost of the Headquarters Seat; repairs, whether of a recurring or non-recurring nature, including, but not limited to the repair of damage resulting from force majeure, structural defects or deterioration; the replacement, within a reasonable period, of the offices, or any part thereof, which may be totally or partially destroyed, and expansion or remodelling as may be agreed upon;
- (b) The installation, maintenance, repair and replacement, if necessary, of the necessary facilities and fixtures, including, but not limited to, air-conditioning, elevators, electricity, gas, telephone, water, sewerage and drainage, fire prevention and postal system; the cost of providing necessary staff amenities, including a canteen, sick rooms and recreation rooms; the cost of partitioning; and the cost of furniture, furnishings and carpeting as agreed upon between the Bank and the Government; and

- (c) Parking facilities convenient to and adequate for the needs of the Bank.

Section 12

The Bank shall be responsible for :

- (a) The maintenance and re-arranging of partitioning;
(b) The cost of additional furniture; janitorial services; security services; electricity and telephone bills; and the cost of office equipment other than furniture, furnishings and fixtures, and their maintenance, repair and replacement, if necessary.

Article V

INVIOABILITY OF THE HEADQUARTERS SEAT

Section 13

(a) The Headquarters Seat shall be inviolable, and shall be under the control and authority of the Bank. Except in connection with suits and judgments against the Bank authorised by the Agreement establishing the Caribbean Development Bank, no officer or official of the Government, or other person exercising any public authority within Barbados shall enter the Headquarters Seat to perform any duties therein without the consent of, and under conditions approved by, the Bank, nor shall the service of legal process, including the search for or seizure of private property, take place within the Headquarters Seat without the express consent of, and under conditions approved by, the Bank.

(b) The Bank and the Government shall agree on the circumstances and manner in which the appropriate authorities of Barbados may enter the Headquarters Seat without the prior consent of the Bank in connection with fire prevention, sanitary regulations or emergencies.

Section 14

(a) Except as otherwise provided in this Agreement and subject to any regulation enacted under section 15 hereof, the laws of Barbados shall apply within the Headquarters Seat.

(b) Except as otherwise provided in this Agreement, the courts or other appropriate organs of the Government shall have jurisdiction, as provided in applicable laws, over acts done and transactions taking place in the Headquarters Seat. When dealing with cases arising out of or relating to acts done or transactions taking place in the Headquarters Seat, the

courts or other appropriate organs of the Government shall take into account the regulations enacted by the Bank under section 15.

Section 15

(a) The Bank shall have the power to make regulations, operative within the Headquarters Seat, for the purpose of establishing therein conditions in all respects necessary for the full and independent exercise of its functions. The Government shall not, except at the request of or with the consent of the Bank, enforce or apply within the Headquarters Seat any law of Barbados providing for any matter with respect to which the Bank is authorised by this section to make regulations and with respect to which regulations so made by the Bank are in force. Any dispute between the Bank and the Government as to whether a regulation of the Bank is authorised by this section, or as to whether a law of Barbados provides for any matter covered by any regulation of the Bank authorised by this section, shall be promptly settled by the procedure set out in section 57. Pending such settlement, the regulation of the Bank shall apply and the Government shall not apply such part of the law of Barbados as the Bank claims provides for a matter covered by the regulation of the Bank.

(b) The Bank shall from time to time inform the Government, as may be appropriate, of regulations made by it in accordance with subsection (a) above.

(c) This section shall not prevent the reasonable application of fire protection or sanitary regulations of the appropriate authorities of Barbados.

Section 16

Subject to the provisions of Article XII of this Agreement, the Bank shall prevent the Headquarters Seat from becoming a refuge for fugitives from justice, persons subject to extradition, or persons avoiding service of legal process or a judicial proceeding.

Section 17

The Bank may expel or exclude persons from the Headquarters Seat for violation of its regulations issued under Section 15, or for other causes. Persons who violate such regulations shall be subject to other penalties or to detention under arrest only in accordance with the provisions of such laws or regulations as may be adopted by the Government.

Article VI

PROTECTION OF THE HEADQUARTERS SEAT

Section 18

The Government shall exercise due diligence to ensure that the tranquility of the Headquarters Seat is not disturbed by the unauthorised entry of any person or group of persons from outside or by disturbances in its immediate vicinity and shall, without impeding the movement of persons authorised to enter or leave the Headquarters Seat, provide on the boundaries of the Headquarters Seat such police protection as may be required for these purposes.

Section 19

If so requested by the Bank, the Government shall provide a sufficient number of police for the preservation of law and order in the Headquarters Seat and for the removal therefrom of persons whose removal is requested by the Bank.

Section 20

Consistent with applicable zoning, sanitary and building regulations, the Government shall take all reasonable steps to ensure that the amenities of the Headquarters Seat are not prejudiced, and that the purposes for which the Headquarters Seat is required are not obstructed, by any use made of the land or buildings in the vicinity of the Headquarters Seat or by any other cause.

Article VII

PUBLIC SERVICES IN THE HEADQUARTERS SEAT

Section 21

The Government shall, upon the request of the Bank, ensure that the Bank shall be provided, on terms not less favourable than those accorded to the Government, with necessary utilities and public services, including, but not limited to electricity, water, sewerage, gas, post, telephone, telegraph, local transportation, drainage, collection of refuse and fire protection. In case of any interruption or threatened interruption of any of the said services the Government shall take steps to ensure that the authorities responsible for such services consider the needs of the Bank of equal importance to those of essential agencies of the Government and that the work of the Bank is not prejudiced.

Section 22

With the consent of the Bank, which consent shall not be unreasonably withheld, duly authorized representatives of public utilities may inspect, repair, maintain, reconstruct, and relocate utilities, conduits, mains and sewers within the Headquarters Seat and its facilities.

Article VIII

COMMUNICATIONS

Section 23

All communications to and from the Bank, its Governors, other representatives of Members, President, Directors, officers and staff, or consultants and experts performing missions for the Bank, by whatever means or in whatever form transmitted, shall be immune from censorship and any other form of interception or interference with their privacy. Such communications shall include but shall not be limited to correspondence, publications, documents, still and moving pictures, films and sound recordings-

Section 24

The Bank shall have the right to use codes and to dispatch and receive communications and, without limitation by reason of this enumeration, correspondence, publications, documents, still and moving pictures, films and sound recordings, either by courier or in sealed bags which shall have immunities and privileges not less favourable than those accorded to diplomatic couriers and bags.

Section 25

The Bank shall enjoy in Barbados for its official communications treatment not less favourable than that accorded by the Government to any other government, including the diplomatic mission in Barbados of any such government, in the matter of priorities, rates and surcharges on mail, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

Section 26

The Bank shall be authorised to operate at the Headquarters Seat point-to-point telecommunication circuits with branch offices or project

sites as may be required. The Bank shall also be authorised to operate at the Headquarters Seat point-to-point telecommunication circuits with other international organizations within or outside Barbados.

Section 27

The Bank shall also be authorized to establish and operate at the Headquarters Seat :

- (a) its own short-wave sending and receiving radio broadcasting facilities, including emergency link equipment, which may be used on the same frequencies, within the tolerances prescribed for the broadcasting service by applicable laws of Barbados for radio-telegraph, radio-telephone and similar services; and
- (b) such other radio facilities as may be specified by supplementary agreement.

Section 28

The Bank shall make arrangements for the operation of the services referred to in Sections 26 and 27 with the International Telecommunication Union, the appropriate agencies of the Government and the appropriate agencies of other affected Governments with regard to all frequencies and similar matters.

Section 29

The facilities provided for in Sections 26 and 27 may, to the extent necessary for efficient operation, be established and operated outside the Headquarters Seat with the consent of the Government. The latter shall, at the request of the Bank, make arrangements on such terms and in such manner as may be agreed upon for the acquisition or use by the Bank of appropriate premises for such purposes, and for their inclusion in the Headquarters Seat. Any facilities established by the Bank outside the Headquarters Seat in pursuance of this Section shall enjoy the same inviolability and protection as those accorded to the Headquarters Seat under Articles V and VI of this Agreement.

Article IX

PROPERTY OF THE BANK AND TAXATION

Section 30

The property and assets of the Bank, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expro-

priation and any other form of interference, taking or foreclosure, whether by executive, administrative, or legislative action.

Section 31

The archives of the Bank shall be inviolable, wherever located.

Section 32

The Bank, its assets, property, income, and its operations and transactions shall be exempt from :

- (a) all forms of taxation and any obligation for the payment, withholding or collection of any tax or duty. Such exemption shall extend to any specifically identifiable taxes payable by the owner or lessor of any property rented by the Bank which are made payable by the Bank in the rental or lease contract between the Bank and the owner or lessor of the property. The Bank will not claim exemption from taxes or charges which are no more than payments for public utility services;
- (b) all customs duties and other levies on any goods, articles including motor vehicles, spare parts and publications, imported or exported by the Bank for its official use, and any obligation for the payment, withholding or collection of any such customs duties and other levies. The Bank and the Government shall agree on the conditions under which goods, articles, including motor vehicles, spare parts and publications imported under such exemption may be sold in Barbados; and
- (c) all prohibitions and restrictions on imports and exports in respect of any goods, articles, including motor vehicles, spare parts and publications intended for the official use of the Bank.

Section 33

(a) In so far as the Government, for important administrative considerations, may be unable to grant to the Bank exemption from indirect taxes which constitute part of the cost of goods purchased by or services rendered to the Bank, including rentals, the Government shall reimburse the Bank for such taxes by the payment, from time to time, of lump sums to be agreed upon by the Bank and the Government. It is, however, understood that the Bank will not claim reimbursement with respect to minor purchases. With respect to such taxes, the Bank shall at all times enjoy at least the same exemptions and facilities as are granted to the Government itself or to heads of diplomatic missions accredited to Barbados, whichever are the more favourable.

(b) The Government shall, if requested, grant allotments of gasoline or other fuels and lubricating oils for each automobile operated by the Bank in such quantities as are required for its work and at such special rates as may be established for diplomatic missions accredited to Barbados.

Article X

FINANCIAL FACILITIES

Section 34

Without being restricted by financial controls, regulations or moratoria of any kind, the Bank may freely :

- (a) purchase, hold and dispose of any assets, funds, currencies, financial instruments, securities and gold, operate accounts in any currency, engage in financial transactions and conclude financial contracts;
- (b) transfer its assets, funds, currencies, financial instruments, securities or gold, to or from, or within, Barbados and convert any currency held by it into any other currency; and
- (c) raise funds through the exercise of its borrowing power or in any other manner which it deems desirable, except that with respect to the raising of funds within Barbados, the Bank shall obtain the concurrence of the Government.

Section 35

The Government shall provide the Bank, at the most favourable exchange rate officially recognized, its national currency, in the amounts required to meet expenditures of the Bank in Barbados.

Section 36

The Government shall assist the Bank to obtain the most favourable conditions as regards exchange rates, banking commissions in exchange transactions and the like.

Section 37

In exercising its rights under this Article, the Bank shall give due regard to representations made by the Government insofar as the Bank considers that effect can be given to such representations without detriment to its interests.

Article XI

SOCIAL SECURITY AND PENSION FUND

Section 38

Any Staff Pension Fund established by the Bank shall have legal capacity in Barbados and shall enjoy the same exemptions, privileges and immunities as the Bank itself.

Section 39

The Bank shall be exempt from all compulsory contributions to, and officials of the Bank shall not be required by the Government to participate in, any social security scheme of Barbados.

Section 40

If the Bank so requests, however, the Government shall make such provisions as may be necessary to enable any official of the Bank who is not afforded social security coverage by the Bank to participate in any social security scheme of Barbados. The Bank shall, in so far as possible, arrange, under conditions to be agreed upon, for the participation in the Barbados social security system of those locally recruited members of the staff who do not participate in the Staff Pension Fund established by it or to whom the Bank does not grant social security protection.

Article XII

ACCESS AND RESIDENCE

Section 41

The Government shall take measures to facilitate the entry into, residence and freedom of movement in, and departure from Barbados of the persons listed below, irrespective of nationality; it shall ensure that no impediment is placed in the way of their transit to and from the Headquarters Seat and shall afford them any necessary protection in transit :

- (a) Governors and other representatives of Members;
- (b) The President;
- (c) Directors;
- (d) Officers and staff of the Bank;
- (e) Consultants and experts performing missions for the Bank; and
- (f) Other persons invited by the Bank to the Headquarters Seat on official business.

Section 42

The Government shall issue to its embassies, legations and consulates general instructions to grant visas to the persons referred to in Section 41 without delay, waiting period, or payment of any charge, and without requiring their personal presence.

Section 43

(a) No laws of Barbados restricting the entry into Barbados of persons other than citizens of Barbados or regulating the conditions of their stay shall apply to the persons provided for in this Article except those relating to health and the security of Barbados.

(b) No activity performed by any person referred to in Section 41 in his official capacity with respect to the Bank shall constitute a reason for preventing his entry into or his departure from, or for requiring him to leave Barbados.

Section 44

No person referred to in Section 41 shall be required by the Government to leave Barbados save in the event of an abuse of the right of residence, in which case the following procedure shall apply :

- (a) No proceeding shall be instituted to require any such person to leave Barbados, except with the prior approval of the Minister for External Affairs of Barbados;
- (b) In the case of a Governor or representative of a Member, such approval shall be given only after consultation with the government of the Member concerned;
- (c) In the case of any other person mentioned in Section 41 such approval shall be given only after consultation with the President, and if expulsion proceedings are taken against any such person, the President shall have the right to appear or to be represented in such proceedings on behalf of the person against whom such proceedings are instituted; and
- (d) Persons who are entitled to diplomatic privileges and immunities under Article XIII shall not be required to leave Barbados otherwise than in accordance with the customary procedure applicable to members, having comparable rank, of the staffs of heads of diplomatic missions accredited to Barbados.

Section 45

This Article shall not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by this Article come

within the classes described in Section 41, or the reasonable application of quarantine and health regulations.

Section 46

The provisions of section 41 of this Article shall be applicable irrespective of the relations existing between the Government of Barbados and the governments of the States and Territories of which the persons referred to in that section are nationals or to which they belong.

Section 47

The provisions of this Article shall apply to the members of the families and members of the household staff of the persons enumerated in (a) to (e) of Section 41 of this Article.

Section 48

The Bank and Government may consult on methods of facilitating entry into Barbados by persons coming from abroad who wish to visit the Headquarters Seat and who are not entitled to the privileges conferred by this Article.

Article XIII

PRIVILEGES AND IMMUNITIES OF GOVERNORS AND OTHER REPRESENTATIVES OF MEMBERS, DIRECTORS, PRESIDENT, VICE-PRESIDENT AND OTHERS

Section 49

Governors, other representatives of Members, and Directors shall have the right in connection with their official duties with the Bank, to :

- (a) Immunity from personal arrest or detention and from seizure of their personal and official baggage;
- (b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their official capacity; and
- (c) In respect of other matters not covered in (a) and (b) above, such other immunities, exemptions, privileges and facilities as are enjoyed by members of diplomatic missions of comparable rank, subject to corresponding conditions and obligations.

Section 50

The President, Vice-President, other officers and staff of the Bank, including for the purposes of this Article consultants and experts performing

missions for the Bank, shall have the right to the following privileges and immunities :

- (a) Immunity from legal process of any kind in respect of words spoken or written and of acts performed by them in their official capacity, such immunity to continue notwithstanding that the persons concerned may have ceased to be officers or staff members of the Bank;
- (b) Immunity from seizure of their personal and official baggage;
- (c) Immunity from inspection of official baggage, and if the person concerned comes within the scope of Section 51, immunity from inspection of personal baggage;
- (d) Subject to the right of the Government to tax its nationals, exemption from taxation in respect of the salaries, emoluments, indemnities and pensions paid to them by the Bank for services past or present or in connection with their service with the Bank;
- (e) Subject to the right of the Government to tax its nationals, exemption from any form of taxation on income derived by them from sources outside Barbados;
- (f) Exemption, with respect to themselves, members of their families, and members of their household staff, from immigration restrictions and alien registration;
- (g) Exemption from national service obligations;
- (h) Freedom to acquire or maintain within Barbados or elsewhere foreign securities, foreign currency accounts, and other movable, and, under the same conditions applicable to nationals of Barbados, immovable property; and at the termination of their Bank employment, the right to take out of Barbados through authorised channels without prohibition, or restriction, their funds in the same currency and up to the same amounts as they had brought into Barbados;
- (i) The same protection and repatriation facilities with respect to themselves, their spouses, their dependent relatives and other members of their households as are accorded in time of international crisis to members, having comparable rank, of the staffs of heads of diplomatic missions accredited to Barbados; and
- (j) The right to import for personal use, free of duty and other levies, prohibitions and restrictions on imports :
 - (i) Their furniture and effects, including one automobile, in one or more separate shipments, and thereafter to import necessary additions to the same;
 - (ii) One automobile every three years after the last importation; and
 - (iii) Reasonable quantities of foodstuffs and other articles for personal

use or consumption and not for gift or sale; the Bank may establish a commissary for the sale of such articles to its officials and members of delegations. A supplemental agreement shall be concluded between the Bank and the Government to regulate the exercise of these rights.

Section 51

In addition to the privileges and immunities specified in Section 50 :

- (a) The President shall be accorded the privileges and immunities, exemptions and facilities accorded to Ambassadors who are heads of missions, including immunity from personal arrest or detention;
- (b) A senior official of the Bank, when acting on behalf of the President during his absence from duty, shall be accorded the same privileges and immunities, exemptions and facilities as are accorded to the President; and
- (c) Other officials having the professional grade of head of a division and above, and such additional categories of officials as may be designated, in agreement with the Government, by the President on the ground of the responsibilities of their positions in the Bank, shall be accorded the same privileges and immunities, exemptions and facilities as the Government accords to members, having comparable rank, of the staffs of heads of diplomatic missions accredited to Barbados.

Section 52

The Bank shall from time to time communicate to the Government the names of officers and staff to whom the provisions of this Articles apply.

Section 53

All persons entitled to the privileges and immunities specified in this Agreement shall be provided by the Government with a special identity card which shall serve to identify the holder in relation to the authorities of Barbados and to certify that the holder is entitled to the privileges and immunities specified in this Agreement.

Article XIV

WAIVER OF IMMUNITIES AND PREVENTION OF ABUSE

Section 54

The privileges, immunities, exemptions and facilities accorded in this Agreement are granted in the interest of the Bank and not for the personal

benefit of the individuals themselves. The Bank may waive the immunity accorded to any person if, in its opinion, such immunity would impede the course of justice and the waiver would not prejudice the purposes for which the immunities are accorded.

Section 55

The Bank shall take every measure to ensure that the privileges, immunities, exemptions and facilities conferred by this Agreement are not abused and for this purpose shall establish such rules and regulations as it may deem necessary and expedient. There shall be consultation between the Government and the Bank, should the Government consider that an abuse has occurred.

Article XV

SETTLEMENT OF DISPUTES

Section 56

The Bank shall make provision for appropriate methods of settlement of :

- (a) Disputes arising out of contracts and disputes of a private law character to which the Bank is a party; and
- (b) Disputes involving an official of the Bank, who, by reason of his official position, is entitled to immunity, if such immunity has not been waived.

Section 57

Any dispute between the Government and the Bank concerning the interpretation or application of this Agreement or any supplementary agreements, or any question affecting the Headquarters Seat or the relationship between the Government and the Bank, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators : one to be appointed by the Government, one to be appointed by the Bank, and the third, who shall be chairman of the tribunal, to be chosen by the first two arbitrators. Should the first two arbitrators fail to agree upon the third, the Government and the Bank shall request the President of the International Court of Justice to choose the third arbitrator. A majority vote of the arbitrators shall be sufficient to reach a decision which shall be final and binding. The third arbitrator shall be empowered to settle all questions of procedure in any case where there is disagreement with respect thereto.

Section 58

The said tribunal shall adopt and observe the “ Rules of Arbitration and Conciliation of the Permanent Court of Arbitration in the Settlement of Disputes ”.

Article XVI

FINAL PROVISIONS

Section 59

The Bank and all persons enjoying the immunities, privileges, exemptions and facilities under this Agreement shall co-operate at all times with the appropriate authorities of Barbados to facilitate the proper administration of justice and secure the observance of the laws of Barbados.

Section 60

This Agreement shall be construed in the light of its primary purpose of enabling the Bank at its headquarters in Barbados fully and efficiently to discharge its responsibilities and fulfil its purposes.

Section 61

Wherever this Agreement imposes obligations which can be carried out only by authorities of Barbados other than the Government, the Government shall ensure the fulfilment of such obligations by the appropriate authorities of Barbados.

Section 62

None of the provisions of this Agreement shall derogate in any way from the rights, privileges and immunities provided for or specified in the Agreement establishing the Caribbean Development Bank.

Section 63

This Agreement shall be registered with the Secretary-General of the United Nations.

Section 64

This Agreement may be revised at the request of either Party. In this event the two Parties shall consult with each other concerning the revisions to be made in its provisions.

Section 65

The Government and the Bank may enter into such supplementary agreements as may be necessary or appropriate to the implementation of this Agreement.

Section 66

Nothing in this Agreement shall be construed to preclude the adoption of appropriate measures for the security of the State as may be determined by the Government in consultation with the Bank.

Section 67

This Agreement shall cease to be in force :

- (a) By mutual consent of the Bank and the Government; or
- (b) If the permanent headquarters of the Bank is removed from Barbados, except for such provisions as may be applicable in connection with the orderly termination of the operations of the Bank at its permanent headquarters in Barbados and the disposal of its property therein.

Section 68

This Agreement shall come into force upon signature.

IN WITNESS WHEREOF the respective representatives of the Parties, duly authorized thereto, have signed this Agreement.

DONE at Bridgetown, Barbados, this second day of June, 1970 in two copies in English.

For the Government
of Barbados :
ERROL W. BARROW

For the Caribbean
Development Bank :
W. ARTHUR LEWIS

ANNEX A

INITIAL DESCRIPTION OF THE TEMPORARY HEADQUARTERS SEAT
OF THE CARIBBEAN DEVELOPMENT BANK

The entire Sixth Floor of the Building owned by the Government of Barbados and known as the Treasury Building, situate in Bridgetown, Barbados at the corner of Bridge and Trafalgar Streets.