

Convention Establishing the Association of Caribbean States

PREAMBLE

The Contracting States:

Committed to initiating a new era characterised by the strengthening of cooperation and of the cultural, economic, political, scientific, social and technological relations among themselves;

Convinced that enhanced cooperation among the States, Countries and Territories of the Caribbean, building upon their geographical proximity and historical linkages, will contribute to the future cultural, economic and social development of their peoples transcending their separateness of the past;

Conscious of the need to forge an effective and timely response to the challenges and opportunities presented by the globalisation of the international economy and by the progressive liberalisation of hemispheric trade relations;

Prepared to promote, consolidate and strengthen the regional cooperation and integration process in the Caribbean Region in order to create an enhanced economic space that will contribute to its more competitive participation in international markets and facilitate active and coordinated participation by the region in the various multilateral fora;

Sensitive to the wide disparities in size, population, and levels of development among the States, Countries and Territories of the Caribbean;

Committed to the continued promotion, consolidation and entrenchment, inter alia, of the principles of democracy, rule of law, respect for the sovereignty, territorial integrity of states and the right to self-determination of peoples, equality of opportunity and respect for human rights, as the basis for strengthening the friendly relations among the peoples of the Caribbean;

Recognising the importance of the Caribbean Sea which constitutes the common patrimony of the peoples of the Caribbean, and recalling the role it has played in their history and the potential it has to operate as a unifying element in their development;

Convinced of the critical importance of preserving the environment of the region and, in particular, their shared responsibility for the preservation of the environmental integrity of the Caribbean Sea, by deploying the collective capabilities of their peoples in developing and exploiting its resources on an environmentally sound and sustainable basis, in order to enhance the quality of life of present and future generations of Caribbean peoples;

Recalling the decision of the Conference of Heads of Government of the Caribbean Community at its Special Meeting in Port-of-Spain, Trinidad and Tobago, in October 1992, to establish the Association of Caribbean States as a broad framework for the

adoption of common positions among the States, Countries and Territories of the Caribbean;

Recalling also the Second CARICOM/Central America Ministerial Conference, held in Kingston, Jamaica, in May 1993, at which the Ministers of both sub-regions welcomed the proposal advanced by the Caribbean Community for the establishment of the Association of Caribbean States aimed at promoting economic integration and functional cooperation in the region;

Recalling further the Summit of the Heads of State and Government of the Caribbean Community, the Presidents of the Group of Three and the Vice-President of Suriname, held in Port-of-Spain, Trinidad and Tobago, in October 1993, in which they reiterated their commitment to establish the Association of Caribbean States;

Agree as follows:

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ARTICLE I: Use of Terms

In this Convention:

"Association" means the Association of Caribbean States established by Article II.

"Convention" means the Convention establishing the Association.

"Meeting of Heads of State or Government" means the Meeting of Heads of State or Government referred to in Article VI.

"Member State" means a State mentioned in Article IV(1) that is a party to this Convention.

"Associate Member" means a political entity mentioned in Article IV(2).

"Ministerial Council" means the Ministerial Council of the Association established by Article VII.

"Observers" means the entities referred to in Article V and admitted as such to the Association.

"Secretariat" means the Secretariat of the Association established by Article VII.

"Secretary-General" means the Secretary-General of the Association.

"Social Partners" means non-governmental organisations or other entities which are broadly representative of wide interests in the States, Countries and Territories of the region, and which are recognised and accepted as such by the Ministerial Council.

ARTICLE II: Establishment

There is hereby established the Association of Caribbean States, an organisation of States, Countries and Territories of the Caribbean having the nature, purposes and functions set out in this Convention.

ARTICLE III: Nature, Purposes and Functions

1. The Association is an organisation for consultation, cooperation and concerted action, whose purpose is to identify and promote the implementation of policies and programmes designed to:

(a) harness, utilise and develop the collective capabilities of the Caribbean Region to achieve sustained cultural, economic, social, scientific and technological advancement;

(b) develop the potential of the Caribbean Sea through interaction among Member States and with third parties;

(c) promote an enhanced economic space for trade and investment with opportunities for cooperation and concerted action, in order to increase the benefits which accrue to the peoples of the Caribbean from their resources and assets, including the Caribbean Sea;

(d) establish, consolidate and augment, as appropriate, institutional structures and cooperative arrangements responsive to the various cultural identities, developmental needs and normative systems within the region.

2. In pursuit and fulfilment of the purposes set out in paragraph 1 of this Article, the Association shall promote gradually and progressively among its members the following activities:

(a) economic integration, including the liberalisation of trade, investment, transportation and other related areas;

(b) discussion on matters of common interest for the purpose of facilitating active and coordinated participation by the region in the various multilateral fora;

(c) the formulation and implementation of policies and programmes for functional cooperation in the fields mentioned in paragraph 1(a) of this Article;

(d) the preservation of the environment and conservation of the natural resources of the region and especially of the Caribbean Sea;

(e) the strengthening of friendly relationships among the Governments and peoples of the Caribbean;

(f) consultation, cooperation and concerted action in such other areas as may be agreed upon.

ARTICLE IV: Membership

1. Membership of the Association shall be open to the States of the Caribbean listed in Annex I to this Convention. These States shall have the right to participate in discussions and to vote at meetings of the Ministerial Council and Special Committees of the Association.

2. Associate Membership shall be open to the States, Countries and Territories of the Caribbean listed in Annex II of this Convention. Associate Members shall have the right to

intervene in discussions and vote at meetings of the Ministerial Council and Special Committees on matters which affect them directly, falling within their constitutional competence. The Council shall conclude relationship agreements with the respective State, Country or Territory which agreements shall set out the terms and conditions and the manner in which the Associate Member may participate in, and vote at meetings of the Ministerial Council and Special Committees.

3. States mentioned in paragraph 1 of this Article, which sign and ratify this Convention prior to its entry into force or within one year thereafter, shall be Founding Members of the Association.

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ARTICLE V: Observers

Observers may be admitted to the Association on terms and conditions as may be determined by the Ministerial Council. Observers may be admitted from among the States, Countries and Territories listed in Annexes I and II of this Convention. Additionally, any other State, Country, Territory, or an organization applying for observer status in the Association may be accorded such status, provided that the Ministerial Council so decides.

ARTICLE VI: The Meeting of Heads of State or Government

1. Any Head of State or Government of a Member State may propose the convening of a Meeting of Heads of State or Government. The Secretary-General shall convene the Meeting after consultation with the Member States.

2. The Ministerial Council may, as it considers appropriate, propose the convening of a Meeting of Heads of State or Government.

3. Where a Meeting of the Heads of State or Government is to be convened, the Ministerial Council shall convene preparatory meetings.

ARTICLE VII: Permanent Organs of the Association

There are hereby established the following Permanent Organs of the Association:

- (a) the Ministerial Council; and
- (b) the Secretariat.

ARTICLE VIII: The Ministerial Council

1. The Ministerial Council, comprising representatives of Member States, as set out in Article X, shall be the principal Organ for policy-making and direction of the Association within the purposes and functions set out in Article III of this Convention.

2. The Ministerial Council may, in accordance with its Rules of Procedure established under Article XI, convene at its discretion, special meetings of the Ministerial Council to consider the subject areas or issues proposed for its consideration.

3. The Ministerial Council may, initially on an ad hoc basis, establish the Special Committees that it considers necessary to assist it in the performance of its functions. The Ministerial Council shall establish and determine the composition and terms of reference of:

- (a) the Committee on Trade Development and External Economic Relations;
- (b) the Committee for the Protection and Conservation of the Environment and of the Caribbean Sea;
- (c) the Committee on Natural Resources,
- (d) the Committee on Science, Technology, Health, Education and Culture; and
- (e) the Committee on Budget and Administration.

4. In their work, the Special Committees referred to in paragraph 3 of this Article may request and take into account the opinions of the Social Partners recognised under Article IX(d).

ARTICLE IX: Functions of the Ministerial Council

Consistent with the functions and activities of the Association set out in Article III (2) of the Convention, the Ministerial Council shall:

- (a) define courses of action, policies and programmes of the Association;
- (b) consider and approve the biennial Work Programme and Budget of the Association;
- (c) consider and determine applications for membership, associate membership of, or observer status with, the Association;
- (d) determine the Social Partners which it recognises and accepts and define their roles;
- (e) appoint the Secretary-General and such other senior officials of the Secretariat as it may deem appropriate;
- (f) establish Rules of Procedure and guidelines governing the functioning of the Association;
- (g) approve the regulations governing the operations of the Secretariat;
- (h) authorize the negotiation and conclusion, by the Secretary-General, of agreements with third parties, institutions or groups of states or other entities as may be required for the advancement of the work of the Association;
- (i) recommend and/or adopt amendments to the Convention proposed by Member States in accordance with Article XXVIII;
- (j) decide on the interpretation of this Convention;

(k) perform such other functions as may be determined by the Meeting of Heads of State or Government.

ARTICLE X: Composition of the Ministerial Council

1. Each Member State shall designate a Minister and an alternate to represent it on the Ministerial Council. The Minister or alternate so designated may be assisted by advisers.
2. Each Member State shall notify the Secretariat of the Minister designated to represent it on the Ministerial Council and of the name of the person appointed as his alternate. An alternate shall stand in all aspects in place of the designated Minister during the latter's absence.

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ARTICLE XI: Procedures of the Ministerial Council

1. Subject to the provisions of this Article, the Ministerial Council shall establish its own Rules of Procedure.
2. Meetings shall be presided over by a Chairman who shall be elected from among the representatives of Member States. The first Chairman shall be elected at the first meeting of the Ministerial Council and shall hold office for one year. Thereafter, the Chairmanship shall rotate in accordance with the Rules of Procedure established pursuant to paragraph 1 of this Article.
3. The Ministerial Council shall hold an annual regular meeting which will normally take place at the Headquarters of the Association. The Chairman of the Council shall convene special meetings if requested to do so by not less than two-thirds of the Member States.
4. Subject to this paragraph and the provisions of Article XII(2), the Council of Ministers shall decide by consensus on the substantive matters submitted to it for consideration. Procedural matters shall be determined by a two-thirds majority of the Members present and voting. The Delegates present shall decide by a two-thirds majority vote on the classification of matters as either substantive or procedural. In any event, any issue that has a bearing on a decision relating to substantive matters will not be considered a procedural issue.

ARTICLE XII: Budget

1. The Ministerial Council shall examine and approve with such modifications, as it deems necessary, the draft Budget of the Association submitted by the Committee on Budget and Administration.
2. Voting on the total figure of the Budget shall be preceded by a vote on each budget head. Each budget head shall be approved by a three-quarters majority of the votes of delegates present and voting. The total of the Budget of the Association shall be approved by consensus of delegates present.

3. The Budget of the Association shall be prepared on a biennial basis, subject to an annual review. Where in any year, the Budget of the Association is not approved, the Budget of the Association voted for the previous biennium shall remain in force and Member States, and Associate Members shall continue to make the same contributions as for the preceding biennium.

4. Contributions by Member States to the Budget of the Association shall be made in such proportions as the Ministerial Council may decide.

ARTICLE XIII: Special Fund

The Ministerial Council shall also establish a Special Fund for the purpose of financing programmes of technical cooperation and related research consistent with the purposes and functions of the Association. The Ministerial Council shall determine the general framework of the programmes to be supported out of the Special Fund. Specific activities within this framework shall be elaborated by the Committee on Trade Development and External Economic Relations with the assistance of the Secretariat. The Special Fund shall be made up of resources that on a voluntary basis can be contributed by Member States, non- Members or other entities.

ARTICLE XIV: The Secretariat

1. The Secretariat shall comprise a Secretary-General and such other staff as the Ministerial Council may determine. In addition to any powers conferred on the Secretary-General by or under this Convention, the Secretary-General shall be the Chief Administrative Officer of the Association.

2. The Secretary-General shall be elected on the basis of rotation for a period of four years on such terms and conditions as may be determined by the Ministerial Council.

3. The Secretary-General shall act in that capacity in all Meetings of the Ministerial Council and Special Committees of the Association and shall make an annual report to the Ministerial Council on the work of the Association.

4. In the performance of their duties, the Secretary- General and the staff of the Secretariat shall neither seek nor receive instructions from any Government of a Member State or from any other authority external to the Association. They shall refrain from any action which may reflect adversely on their position as officials of the Association and shall be responsible only to the Association.

5. The Staff of the Secretariat shall be appointed by the Secretary-General in accordance with regulations established by the Ministerial Council. The paramount consideration in the appointment of the staff shall be the need to secure the highest standards of efficiency, competence and integrity. In the recruitment of Staff, due regard shall be paid to the principles of equitable geographical distribution and linguistic representation.

6. Member States undertake to respect the exclusively international character of the responsibilities of the Secretary- General and the staff and shall not seek to influence them in the discharge of their responsibilities.

7. The Ministerial Council shall approve the Regulations governing the operations of the Secretariat.

ARTICLE XV: Functions of the Secretariat

1. In addition to any duties which may be assigned to it by the Ministerial Council, the Secretariat shall perform the following functions for the achievement of the purposes and functions of the Association:

- (a) assist the Ministerial Council and the Special Committees of the Association in the development and implementation of policies and programmes;
- (b) maintain contact with other sub-regional, regional and international organisations;
- (c) initiate, organise and conduct studies on integration issues, and in particular, trade, investment and economic and social development issues;
- (d) collect, store and disseminate information to Member States, Associate Members, and when the Ministerial Council so decides, to other relevant entities;
- (e) service Meetings of the Ministerial Council and the Special Committees of the Association and take appropriate action on determinations emanating from such meetings;
- (f) coordinate, within the framework of the work programme of the Association, the activities of donor agencies, international, regional and national institutions;
- (g) prepare the draft Budget of the Association for examination by the Committee on Budget and Administration every two years to be submitted for the consideration and approval, as appropriate, by the Ministerial Council.

2. In the discharge of its functions, the Secretariat shall enter into cooperation arrangements with, and draw on, the capacities of the existing integration organisations in the region.

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ARTICLE XVI: Legal Capacity

1. The Association shall have full international legal personality.

2. Each Member State and Associate Member shall, in its territory, accord to the Association the most extensive legal capacity accorded to legal persons under its domestic law. In any legal matters or proceedings the Association shall be represented by the Secretary-General.

3. Each Member State and Associate Member undertake to take such action as may be necessary to make effective in its territory the provisions of this Article, and shall promptly inform the Secretariat of such action.

ARTICLE XVII: Privileges and Immunities

1. The privileges and immunities to be recognised and granted by Member States and Associate Members in relation to the Association shall be set out in a Protocol to this Convention.

2. The Association shall conclude a Headquarters Agreement with the Government of the Member State where it is located, including provisions on the privileges and immunities recognised and granted.

ARTICLE XVIII: General Undertaking as to Implementation

Member States of the Association shall take all appropriate and pertinent measures to carry out the provisions of this Convention. They shall facilitate the achievement of the purposes of the Association.

ARTICLE XIX: Languages of the Association

The languages of the Association shall be English, French and Spanish.

ARTICLE XX: Relationship to other Treaties and Mechanisms

Nothing in this Convention shall be construed as altering the rights and obligations of Parties which arise from other Agreements. In like manner, the provisions of this Convention shall not affect existing mechanisms for cooperation, concerted action and consultation.

Within the scope of this Convention a number of Member States may undertake initiatives and conclude integration agreements among themselves consistent with its purposes and functions. Any such agreement or initiative may be open to any other Member State which is able and willing to participate therein.

ARTICLE XXI: Authentic Text

This Convention shall be drawn up in the English, French and Spanish languages, each text being equally authentic.

ARTICLE XXII: Signature

This Convention shall be open for signature from 24 day of July 1994 by any State, Country or Territory referred to in Article IV.

ARTICLE XXIII: Ratification

This Convention shall be subject to ratification by the signatory States, Countries and Territories mentioned in Article IV in accordance with their respective constitutional procedures.

ARTICLE XXIV: Registration

This Convention shall be registered with the Secretariat of the United Nations pursuant to Article 102 of the Charter of that Organisation.

ARTICLE XXV: Depositary

Instruments of Ratification shall be deposited with the Government of the Republic of Colombia, which shall transmit certified true copies to the Ministers of Foreign Affairs of Member States and to the competent authorities of Associate Members.

ARTICLE XXVI: Entry into Force

This Convention shall enter into force upon deposit of instruments of ratification by two-thirds of the States mentioned in Article IV(1).

ARTICLE XXVII: Accession or Adhesion

After its entry into force, this Convention shall remain open to accession or adhesion by any of the States referred to in Article IV(1). Accession or adhesion shall be effected by the deposit of an instrument of accession or adhesion with the Government of the Republic of Colombia which shall inform the Member States and Associate Members. This Convention shall enter into force for the acceding or adhering State, thirty days after the deposit of its instrument of accession or adhesion.

ARTICLE XXVIII: Amendment

1. Amendments to this Convention may be made by consensus of the Meeting of Heads of State or Government or of the Ministerial Council.
2. Such amendments shall enter into force thirty days after ratification by two-thirds of the Member States.

ARTICLE XXIX: Interpretation and Disputes Settlement

Any question or dispute arising among the Members of the Association, relating to the interpretation or application of this Convention, and which cannot be settled by the parties concerned, shall be settled by the Ministerial Council.

ARTICLE XXX: Duration and Withdrawal

1. This Convention shall have indefinite duration.
2. Any Contracting Party may at any time withdraw from this Convention. Such withdrawal shall take effect one year after the date of the receipt by the depositary of the formal notification of withdrawal and shall be without prejudice to any obligation incurred by the withdrawing Party by or under this Convention prior to such withdrawal. This Convention shall continue in force thereafter with respect to the other Parties,

provided that not less than two-thirds of the States referred to in Article IV(1) continue to be Parties.

ARTICLE XXXI: Reservations

No reservations may be made to this Convention.

ANNEX I

Antigua and Barbuda
The Bahamas
Barbados
Belize
Colombia
Costa Rica
Cuba
Dominica
Dominican Republic
El Salvador
Grenada
Guatemala
Guyana Haiti
Honduras
Jamaica
Nicaragua
Panama
St. Kitts and Nevis
Saint Lucia
St. Vincent and the Grenadines
Suriname
Trinidad and Tobago
United States of Mexico
Venezuela

ANNEX II

Anguilla
Bermuda
British Virgin Islands
Cayman Islands
Montserrat
Turks and Caicos Islands

The French Republic in respect of:

Guadeloupe
Guyane
Martinique

The Kingdom of the Netherlands (Aruba and the Netherlands Antilles)

Done at Cartagena de Indias, this 24th day of July 1994 in a single copy in the English, French and Spanish languages, each text being equally authentic. The original text will be deposited with the Government of the Republic of Colombia.

IN WITNESS WHEREOF the representatives duly authorised in that behalf have signed this Convention:

for the Government of Anguilla
for the Government of Antigua and Barbuda
for the Government of the Barbados
for the Government of Commonwealth of The Bahamas
for the Government of Belize for the Government of Bermuda
for the Government of the for the Government of the Cayman Islands
for the Government of the British Virgin Islands
for the Government of the Republic of Costa Rica
for the Government of the Republic of Colombia
for the Government of Republic of Cuba
for the Government of the Commonwealth of Dominican Republic
for the Government of Grenada
for the Government of the French Republic (in respect of Guadeloupe, Guyane and Martinique)
for the Government of El Salvador
for the Government of the Cooperative Republic of Guyana
for the Government of Republic the of Guatemala
for the Government of the Republic of Haiti
for the Government of Honduras
for the Government of Jamaica
for the Government of the United Mexican States
for the Government of Montserrat
for the Government of the Kingdom of the Netherlands (Aruba and the Netherlands Antilles)
for the Government of the Republic of Nicaragua
for the Government of the Republic of Panama
for the Government of St. Kitts and Nevis
for the Government of Saint Lucia
for the Government of St. Vincent and the Grenadines
for the Government of the Republic of Suriname
for the Government of the Republic of Trinidad and Tobago
for the Government of the Turks and Caicos Islands
for the Government of the Republic of Venezuela