



# **THIRTY-NINTH REGULAR MEETING OF THE CONFERENCE OF HEADS OF GOVERNMENT OF THE CARIBBEAN COMMUNITY**



## **DECISIONS**

### **CHAIRMAN:**

**The Most Honourable Andrew Holness  
Prime Minister of Jamaica**

### **VENUE AND DATE:**

**Montego Bay  
JAMAICA**

**4-6 July 2018**

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of the Caribbean Community, Montego Bay, Jamaica, 4-6 July 2018  
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**HGC/2018/39/4      CARICOM SINGLE MARKET AND ECONOMY  
(INCLUDING MATTERS FROM THE COUNCIL FOR  
FINANCE AND PLANNING (COFAP))**

***HGC/2018/39/4.1      Making the CSME More Effective***

***Having considered Paper HGC/2018/39/4.1 entitled, “CARICOM Single Market and Economy: Making the CSME More Effective”;***

***Noting that the Lead Head of Government responsible for the CARICOM Single Market and Economy (CSME) will meet on a monthly basis with the CARICOM Secretariat on the CSME;***

***Also noting that more time was needed for full discussion on the issues raised under Agenda Item 4.1;***

**THE CONFERENCE:**

**Agreed** that a Special Meeting of the Conference on the CSME be held in Trinidad and Tobago in November 2018;

**Accepted** the proposal that the Prime Ministerial Sub-Committee (PMSC) on the CSME would meet quarterly and that the Ninth Meeting of the PMSC on the CSME would be held in Barbados in September 2018;

**Also agreed** that implementation of the CSME would take into account the “***Report of the Commission to Review Jamaica’s Relations within the CARICOM and CARIFORUM Frameworks***”.

***With respect to the Stakeholders Perspectives and Recommendations of the COTED for an Effective CSME,***

***Noting that the findings and recommendations from the Stakeholders Consultation on the CSME were reviewed by the Council for Trade and Economic Development (COTED) to inform the review of the CSME being undertaken by the Conference of Heads of Government, during its Special Session;***

***Recognising that the Community has to make every effort to ascertain/confirm the main reasons for slow and non-implementation, including specific capacity constraints, Member State by Member State, through the various consultative mechanisms which also need to be reviewed;***

*Also noting that full consideration will be given to the recommendations from the Stakeholders Consultation at the Special Meeting of the Conference in November 2018;*

**THE CONFERENCE:**

**Endorsed** the decision of the COTED that the COTED's focus going forward would include –

- (i) giving consideration to a follow-up Programme of Work at the COTED's next regular Meeting in November 2018 to be developed by the Secretariat;
- (ii) focusing on what was practical and achievable over the next twelve (12) months, even if only a few priorities;
- (iii) giving consideration to the short-term benefits as well as the longer-term economic growth and employment objectives. In doing so, the Programme of Work would take into account the findings from the Stakeholders Consultation on the CSME, as well as the recommendations of the COTED and the Conference of Heads of Government.

*With respect to the Review of the Establishment of the Enabling Support Measures for a Competitive CSME,*

*Having considered the Report from the Council for Finance and Planning (COFAP) that it will meet in September 2018 to consider the “Macro-Economic Policies and Development Agenda in Support of the CARICOM Single Market and Economy (CSME) as a Platform for Growth and Development”;*

**THE CONFERENCE:**

**Mandated** the COFAP to work towards completion of the –

- (i) Investment Policy and Investment Code and the CARICOM Financial Services Agreement by 31 December 2018 to enable finalisation by the Legal Affairs Committee (LAC) for adoption and signature by the Conference at its Thirtieth Inter-Sessional Meeting in February 2019;
- (ii) Incentives Regime and the Integrated Capital Market starting with model Securities legislation, for adoption by the Fortieth Regular Meeting of the Conference in July 2019.

***With respect to Free Movement of Persons (Contingent Rights),***

***Recognising with concern*** that this matter has been too long outstanding and affects the effectiveness of the Free Movement regime and the CSME as a whole;

***Also recognizing*** the importance of contingent rights to the free movement regimes including the Free Movement of Skills Regime and the ten (10) categories of Skilled Community Nationals;

***Recalling*** its previous decisions on Contingent Rights including that finalising the draft Protocol on Contingent Rights is a critical priority area for which greater attention and determination are required;

***Further recognising*** that the draft Protocol was informed by the decisions of the Conference of Heads of Government in relation to –

- (i) *the agreed rights and benefits which Member States already have an obligation to implement, including, in particular, the right of spouses of CARICOM nationals to work without a work permit regardless of nationality;*
- (ii) *those to be accorded immediately upon entry into force of the Protocol; and*
- (iii) *those to be accorded at a later date, as part of a built-in agenda;*

***Having considered*** the Protocol and ***noting*** that the Protocol has been on the LAC agenda since 2014 awaiting further feedback from Member States on the outcome of national consultations;

***Acknowledging*** that there is the need to urgently adopt the Protocol and agree to a timetable to complete the negotiations for the proposed rights set out in Article III of the Protocol entitled “Built-in Agenda”;

**THE CONFERENCE:**

**Strongly urged** Member States to enact the necessary laws to give full effect to the ten (10) categories of Skilled Nationals by 31 December 2018 in accordance with the Implementation Plan 2017–2019 as agreed by the Conference at its Thirty-Eighth Meeting (July 2017);

**Endorsed** the rights provided under Article II of the Draft Protocol;

**Reiterated** that there should be a Built-In Agenda and **also endorsed** the proposed rights under Article III of the draft Protocol which would be subsequently implemented after agreement by Member States;

**Adopted** the Protocol on Contingent Rights and opened it for signature.

***With respect to Free Movement of Persons (Harmonised and Simplified Administrative Procedures),***

***Acknowledging*** that simplified administrative procedures would –

- (i) *make it easier for Community nationals to make full use of the CSME and its benefits and would also assist Member States;*
- (ii) *assist Member States to process matters more efficiently and quickly;*

***Noting*** the capacity constraints and concerns of Member States;

***Also noting*** the progress made regarding the harmonisation of administrative procedures generally and the specific matters regarding the police certificate of character and the procedures on refusal of entry;

***Concerned*** that the draft Procedures on Refusal of Entry of Community Nationals which had been finalised by the LAC had had further amendments that were largely of a textual nature which were yet to be formally adopted;

***Also acknowledging*** the importance of consulting with the private sector, labour and civil society on the further harmonisation or elaboration of administrative procedures;

***Further noting*** –

- (i) *the additional safeguards that can be provided by the CARICOM Implementation Agency for Crime and Security (IMPACS) but that there is the need to ensure that Member States provide timely, accurate, updated information to IMPACS to allow for a robust and effective watch-list; and*
- (ii) *the value of the Advanced Passenger Information System (APIS) and the importance of updating legislation to provide for Passenger Name Records;*



**THE CONFERENCE:**

***With respect to administrative procedures,***

**Mandated** the Council for Trade and Economic Development (COTED) to take the necessary steps to review and ensure that the procedures were simplified and harmonized, to the extent possible including that verification should not result in unnecessarily prolonging the period for finalising acceptance of the Skilled Community national;

**Agreed** that the principles of necessity, proportionality, non-discrimination and non-reciprocity should govern the further harmonisation, elaboration and simplification of administrative procedures for the core CSME regimes;

**Affirmed** that the rights of spouses and dependants of a principal beneficiary conferred by virtue of provisions of the Treaty and decisions of the Organs were for all spouses and dependants, irrespective of their nationality;

**Reiterated** its decision that a Member State shall accept a Skills Certificate issued by another Member State and that any verification of the issuance of a Skills Certificate and the underlying documentation shall only be done through checks with the issuing Competent Authority;

***With respect to Police Certificate of Character,***

**Also agreed** that a Police Certificate of Character would be required only if it could be shown that the Police Certificate of Character was a necessary measure for assessing threats to the maintenance of public order and safety and that the requirement where agreed not extend beyond a period of three years prior to the request for such certificates;

***With respect to Procedures on the Refusal of Entry of Community Nationals,***

**Adopted** the Procedures on the Refusal of Entry of Community Nationals and the harmonised form to be used by Immigration when refusing entry;

**Urged** Member States to implement the Procedures on the Refusal of Entry of Community Nationals by 1 August 2018;

***With respect to Security,***

**Endorsed** the decision of the Forty-Fourth Meeting of the COTED that *“the Immigration Departments should use IMPACS to the greatest extent possible in determining whether a Community national seeking indefinite stay poses a serious threat to a fundamental interest of the society”*;

**Called on** Member States to –

- (i) ensure that timely, accurate, updated information was provided to IMPACS to enable it to maintain a robust regional watch-list; and
- (ii) enact/amend legislation, where applicable, to provide Passenger Name Records to the Advanced Passenger Information System (APIS);

**Also urged** Member States that have not yet done so to (i) become a party to the CARICOM Mutual Legal Assistance Treaty (MLAT); and (ii) enact the necessary legislation to give effect to the Treaty.

***With respect to Article 239 Undertaking - Government Procurement,***

***Noting*** that completion of the Protocol on Public Procurement and related matters has been on the COTED Agenda for many years;

***Also noting*** that the two outstanding matters to be determined had related to the body to conduct the review of the thresholds (Article 6); and the way the Protocol may be provisionally applied (Article 36);

***Further noting*** that the Forty-Fifth Meeting of the COTED (November 2017) had encouraged the use of the Community Public Procurement Notice Board (CPPNB) and the National Advertising Portals and Member States have not yet commenced use;

***Acknowledging*** there may be negative funding implications for Member States under the 10<sup>th</sup> and 11<sup>th</sup> EDFs if the Protocol is not implemented or the Notice Board not used;

***Noting*** that there are further issues to be addressed in the Protocol with respect to the threshold limits;

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**THE CONFERENCE:**

**Agreed** that the Meeting of the COFAP in early September 2018 should urgently settle the outstanding policy issues;

**Also agreed** that the thresholds should be set so as to give a margin of preference to CARICOM nationals over all other country nationals;

**Requested** Member States to begin using their National Advertising Portals to advertise Public Procurement opportunities subject to their national laws, as soon as possible and to advise the COTED by 30 September 2018 that they had or were willing or prepared to so do;

***With respect to the Role of the CARICOM Commission on the Economy,***

***Acknowledging*** that the Commission on the Economy still has work to do;

***Reviewing*** the structure of the Commission;

**THE CONFERENCE:**

**Agreed** that –

- (i) the Commission on the Economy would be restructured and that the core of this blue ribbon Commission would be confined to a team of seven (7) independent regional experts;
- (ii) the Bureau would appoint the Members of the Commission upon receipt of their names from the lead Head for the CSME, the Prime Minister of Barbados;
- (iii) the lead Head for the CSME would be responsible for selecting the Chair of the Commission and would further consult with Heads of Government and the Secretariat on the remaining Membership of the Commission;
- (iv) the Secretariat would continue to service and coordinate the work of the Commission;
- (v) the Commission would be expected to report within one (1) year of its appointment.

***With respect to Other Matters as Recommended by the Eighteenth Meeting of the Council for Finance and Planning (COFAP) (4 July 2018, Montego Bay, Jamaica),***

**THE CONFERENCE:**

**Adopted the following Recommendations of the COFAP -**

***(i) Blacklisting (OECD and EU Good Tax Governance Initiatives)***

***Acknowledging*** the reputational damage particularly with respect to Member States which host international financial centres, the policy over-reach as well as the unilateral and arbitrary process utilised by the European Union (EU) in the listing process of non-cooperative tax jurisdictions along with the unpredictability and uncertainty created thereby;

***Noting*** that a collective response had proved to be most successful in the past in dealing with the issue of blacklisting;

***Also noting*** the ongoing processes by the European Commission (EC) and the Organisation for Economic Co-operation and Development (OECD) to respectively –

- (i)*** compile an EU Anti-Money Laundering blacklist of high-risk non-EU countries to be progressed by December 2018; and
- (ii)*** identify ‘non-cooperative jurisdictions’ with respect to the implementation of the Exchange of Information on Request (EIOR) and the Automatic Exchange of Information (AEOI) and tax transparency standards and to publish a comprehensive list at the 2018 G-20 Summit;

***Further noting*** the status of Member States relative to the mutual evaluation ratings with respect to the ‘technical compliance assessment’ and ‘effectiveness assessment’ as advised by the Caribbean Financial Action Task Force (CFATF); and

***Also acknowledging*** the advice from the Attorney General and Minister of Legal Affairs, Trinidad and Tobago that the four (4) CARICOM jurisdictions which are currently under review may run the risk of being placed in the ICRG process and possibly on the Compliance Document and as such, may also be vulnerable to blacklisting by the EU, based on either the misunderstanding or disregard of the FATF ICRG process;

***Further acknowledging** the advice that the Community could turn the crisis position into a strength by using the knowledge and collective experience gained in taxation governance and financial services at the end of the process.*

**THE COFAP:**

**Accepted** the recommendation that an immediate political intervention with the EU is required to advocate on behalf of Member States with the immediate objective of withdrawal of the EU blacklist;

**Agreed** that the political intervention would be supplemented by a programme of strategic advocacy as recommended by the CARICOM Technical Working Group (TWG);

**Also agreed** to the formation of a Task Force to undertake nuanced discussions for lobbying individual EU countries as well as the EU Council and other relevant institutions and agreed that the advocacy should be broadened to include the United States, which was also pursuing strategies which blacklist CARICOM Member States;

**Further agreed** that the Task Force would comprise the Prime Ministers of Antigua and Barbuda, Barbados, St. Kitts and Nevis, Saint Lucia, and the Minister of Finance of Jamaica;

**Encouraged** Member States to ensure that they have progressed their compliance with the global tax transparency and CFATF/FATF AML standards to avoid being included in the proposed listings of non-cooperative jurisdictions which would be published by the OECD and the EU respectively during 2018;

**Expressed** its thanks to the CFATF for the Confidential Brief on Member States' AML compliance status and encouraged the ongoing collaboration with the CARICOM Secretariat to monitor Member States' progress;

**Also accepted** the offer by the Bermudan Government for information-sharing on taxation governance, financial compliance and other services issues.

**(ii) Upscaling of the Caribbean Catastrophe Risk Insurance Facility (CCRIF) SPC**

**Recognising –**

- (i) *the value of pooled risk insurance as an integral component of a comprehensive Risk Financing Strategy; and*
- (ii) *the importance of upscaling the operations of the CCRIF through additional financing and a capital injection in accord with its 2030 Roadmap;*

**Noting** that the scaling-up of the CCRIF would require between US\$250 – 400 million in grant funds over a period of three (3) years for premium subsidization and the introduction of new sector-specific products;

**Also noting** that discussions have already commenced with development partners regarding either support for Member States to increase their coverage through premium subsidization, or the CCRIF directly, thereby lowering risk transfer premium;

**Further noting** the request for a ‘**No Objection**’ from Member States so that Sint Maarten can participate in the CCRIF;

**Acknowledging** the recent election of Mr. Timothy Antoine, Governor of the Eastern Caribbean Central Bank (ECCB) as Chairman of the Board of Directors of the CCRIF;

**THE COFAP:**

**Recommended** that the Conference of Heads of Government extend its support for the general thrust of the CCRIF SPC 2030 Strategic Roadmap for its expansion and growth;

**Agreed** that the decision on the level of insurance coverage would be determined by Member States in accord with their particular circumstances;

**Also recommended** that Member States provide their ‘**No Objection**’ to the request by Sint Maarten to join the CCRIF.

**(iii) Regional Developments in FinTech and Blockchain**

**Noting** the strides Bermuda has made with respect to creating the legal framework and specific statutory positions to regulate the licensing of companies offering the public the opportunity to purchase or acquire digital assets;

**Acknowledging** Bermuda's drive to be the global leader in the virtual currency business industry through the enactment of the Digital Asset Business Act 2018 and the willingness to share knowledge experiences with other Member States;

**Understanding** the need for public education and awareness on cryptocurrencies, blockchains and the FinTech industry in general;

**Recognising** that the Central Banks have a role in the development, monitoring and compliance of the FinTech industry;

**THE COFAP:**

**Agreed** to the inclusion of a discussion on FinTech and Blockchain on the Agenda of the next meeting of the COFAP;

**Also agreed** that the regional adaptation of digitalisation (including Fintech and Blockchain technology) should be a key aspect of the future work of the Commission on the Economy;

**Accepted** Bermuda's offer to share knowledge and experiences in establishing the legal and regulatory framework for the FinTech industry.

**HGC/2018/39/4.2      *Legal Opinion on the Entitlement of Haitian Nationals to an Automatic Stay of Six Months upon Arrival in CARICOM Member States***

*Having considered Paper HGC/2018/39/4.2 entitled “CARICOM Single Market and Economy: Legal Opinion on the Entitlement of Haitian Nationals to an Automatic Stay of Six Months upon Arrival in CARICOM Member States”, and its Attachments, and having accepted the advice of the Twenty-Fifth Meeting of the Legal Affairs Committee (LAC) (via video-conference, 20 April 2018);*

**THE CONFERENCE:**

**Recognised** that Haitian nationals are entitled to an automatic stay of six months upon arrival in CARICOM Member States subject to the rights of CARICOM Member States to refuse undesirable persons entry and to prevent persons from becoming a charge on public funds.

**HGC/2018/39/5      REPORT OF THE COMMISSION TO REVIEW JAMAICA’S RELATIONS WITHIN THE CARICOM AND CARIFORUM FRAMEWORKS**

*Having considered Paper HGC/2018/39/5 entitled "Report of the Commission to Review Jamaica’s Relations within the CARICOM and CARIFORUM Frameworks", and the presentation from Mr. Bruce Golding, Chairman of the Commission, held in Caucus;*

**Welcoming** the Report of the Commission as being a seminal piece of work important at this stage in the establishment of the CARICOM Single Market and Economy (CSME);

**Noting** that many of the recommendations in the Report are congruent with the developments currently being implemented or considered for the CSME;

**Recognising** that the current implementation process of the CSME could further benefit from proposals in the Report;



**Acknowledging** that there are concepts and initiatives which would benefit from focused consideration, including but not limited to the impact of implementation of the CSME; the challenges faced by the Less Developed Countries (LDCs); effective Free Movement of Community nationals, in particular the ten (10) categories that have been approved; resolution of disputes; and the very important issue of the financing of Community Institutions and initiatives;

**Also noting** the LDC perspective presented by the Prime Minister of St. Vincent and the Grenadines, particularly in his lecture on ***“Some Salient Issues for Resolution in CARICOM”***;

**THE CONFERENCE:**

**Commended** Jamaica for undertaking the very comprehensive review contained in the *Report of the Commission to Review Jamaica’s Relations within the CARICOM and CARIFORUM Frameworks* under the chairmanship of Mr. Bruce Golding, former Prime Minister of Jamaica;

**Agreed** that –

- (i) the findings and recommendations in the Report must be examined in detail to determine what could be of most benefit to achieving the objectives of Member States and the Community and what was most doable;
- (ii) the Report would be subject to further review and consideration at the proposed Special Meeting of the Conference in November 2018;

**Reiterated** that there had been successes on CSME implementation;

**Mandated** that a Roadmap with timelines and associated costs be developed for the remaining actions necessary for the achievement of an effective CSME, taking note of the discussions coming out of the Special Meeting of the Conference in November 2018.

**HGC/2018/39/6 BUILDING RESILIENCE**

***HGC/2018/39/6.1 Disaster Resilience in the Caribbean Community Post-Hurricanes Irma and Maria (Mandated by the Conference)***

***Having considered Paper HGC/2018/39/6.1 entitled “Building Resilience: Disaster Resilience in the Caribbean Community Post-Hurricanes Irma and Maria” and a presentation from the Caribbean Disaster Emergency Management Agency (CDEMA);***

**THE CONFERENCE:**

**Urged** Member States to expedite the national procedures necessary to approve CDEMA’s budget for Financial Years 2016-2017, 2017-2018, 2018-2019 and 2019-2020;

**Called** upon the CDEMA Council of Ministers to approve the budget;

**Also called** upon the Member States to pay their outstanding arrears of contributions to CDEMA;

**Also urged** Member States to promote the Regional Response Mechanism (RRM) and encourage the international community to align its support with this mechanism during their humanitarian actions including early recovery;

**Requested** that Member States, which have not already done so, complete and submit the readiness checklist as an input to strengthening preparedness actions for the hurricane season or other unforeseen emergencies;

**Further urged** the various Councils of the Community to give special consideration to regional sectoral programmes designed to build resilience with the intention of expediting implementation of recommended actions;

**Urged** the implementation of the Resilience Pathway to the Comprehensive Disaster Management Strategy 2014-2024 endorsed by the CDEMA Council of Ministers, for further articulation of the implementation modalities;

**Agreed** to explore the utilisation of the Early Warning System Satellite technology available from Estonia for a Regional monitoring programme of land use infrastructure as a tool to build Resilience.

**HGC/2018/39/6.2      *Approval of Draft Declaration on Climate Change  
(Requested by the Council for Foreign and Community  
Relations (COFCOR))***

*Having considered Paper HGC/2018/39/6.2 entitled “Approval of Draft Declaration on Climate Change”;*

**THE CONFERENCE:**

**Agreed** to issue the [Declaration on Climate Change \(attached\)](#) entitled “Securing the Future of Our People”.

**HGC/2018/39/7      SECURITY ISSUES**

*Having considered Paper HGC/2018/39/7 entitled “Security Issues” and received a presentation on the current crime and security situation in the Region, in Caucus;*

**THE CONFERENCE:**

**Mandated** both the Implementation Agency for Crime and Security (IMPACS) and the Regional Security System (RSS) to –

- (i) work together to develop regional standards to strengthen national and regional intelligence sharing;
- (ii) develop a regional standard for vetting of law enforcement, border security and intelligence officials;
- (iii) review the Treaty on Security Assistance (TSA) and determine its role and effectiveness in Regional Security in responding to regional incidents;

**Also mandated** cooperation amongst Security Heads in the Region especially as it relates to information and intelligence sharing;

**Agreed** to -

- (i) approach international development partners (IDPs) to assist the Region to complete the implementation of the Regional Integrated Ballistic Information Network (RIBIN) and for the procurement of Port Scanners to assist in the detection of prohibited articles;
- (ii) request the United States of America (USA) to expand cooperation with the Community through the sharing of its weapons and ballistics information through the CARICOM System;

**Also agreed** to approach the USA to implement measures to assist in the restriction of the illegal entry of firearms and light weapons from the USA into the Member States of the Community;

**Encouraged** Member States to urgently give effect to all legal instruments required, such as the Draft Model CARICOM Agreement on the Return and/or Sharing of Recovered Assets, Proceeds of Crime, as well as the Advance Passenger Information System (APIS) and the Advance Cargo Information System (ACIS).

<b>HGC/2018/39/8</b>	<b>REPORT OF THE REGIONAL MARIJUANA COMMISSION</b>
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***Having received*** and considered Paper HGC/2018/39/8 entitled "*Report of the Regional Marijuana Commission*";

***Expressing*** appreciation to the Commissioners for the work undertaken;

***Also expressing*** appreciation to the Foundation for Open Societies for supporting the work of the Regional Marijuana Commission;

**THE CONFERENCE:**

**Noted** the findings, conclusions and recommendations contained in the Report, but in particular the following -

***With respect to human and religious rights and the social and developmental impact of marijuana use among adolescents and youth,***

**Also noted** the conclusive evidence that exists indicating the negative effect of marijuana on the adolescent brain; infant birth weight and on driving. Consequently, cannabis/marijuana use before the age of 24 was not recommended as it may affect memory, learning and attention and may put youth at risk for early onset of psychosis. Driving under the influence of marijuana was also not recommended;

**Further noted** the recommendations contained in the Report with respect to incarceration of youth for possession of small amounts of marijuana, the role of drug treatment courts as alternatives to incarceration and the public health approach for treating with adolescents and youth using/addicted to marijuana;

**Supported** the recommendation for Rastafarian use of marijuana as a fundamental religious right, expression and practice of their faith;

***With regard to the economic benefits to be derived from marijuana,***

**Noted** the economic analysis scenarios of the potential liberalization of marijuana use in CARICOM, presented in the Report;

**Acknowledged** the potential for economic gain from the marijuana industry for local farmers/industries;

**Expressed serious concern** about possible fall out for Member States in relations with the international banking and financial sectors, in particular, correspondent banks and adherence to anti-money-laundering statutes;

***With respect to the classification of marijuana,***

**Also acknowledged** that there was scientific evidence clearly establishing that marijuana has medicinal properties and had been successfully used to address some illnesses;

**Recognised** that the current classification of marijuana as an illicit drug presented a challenge in the conduct of research to fully understand and ascertain the medicinal benefits to be derived;

**Agreed** that action was necessary at the national level by the relevant authorities, to review the current status of marijuana as a dangerous drug, with a view to re-classification, taking into account all international obligations;

**Also agreed** that each Member State, in accordance with its own circumstances, would determine the path it would pursue in relation to the Law Reform Models proposed by the Regional Marijuana Commission.

## **HGC/2018/39/9                      MATTERS RELATED TO THE CARIBBEAN COURT OF JUSTICE**

### **➤            *Caribbean Court of Justice Judges' Pensions Rules 2017***

***Having considered Paper HGC/2018/39/9 entitled "Matters Related to the Caribbean Court of Justice: Caribbean Court of Justice Judges' Pensions Rules, 2017" and the Letter of the Chairman addressed to the Secretary-General on behalf of the Board of Trustees of the Caribbean Court of Justice Trust Fund (CCJTF) dated 29 June 2018;***

**THE CONFERENCE:**

**Agreed** to defer consideration of the Caribbean Court of Justice Judges' Pensions Rules, 2017, pending the submission of a report from the Caribbean Court of Justice Trust Fund (CCJTF) on the findings of the actuary of the Caribbean Court of Justice (CCJ).

## **HGC/2018/39/10                      BORDER ISSUES**

### **➤            *Belize-Guatemala Relations***

***Having considered in Caucus the information presented by the Prime Minister of Belize on its border relations with Guatemala;***

***Noting*** Belize's appreciation for the continued support of CARICOM on this issue;

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**THE CONFERENCE:**

**Agreed** to issue the following Statement -

*“Heads of Government received an update on the most recent developments between Belize and Guatemala.*

*Heads of Government expressed concern that the undertaking by both countries and the Organization of American States (OAS), to engage in the design and development of a mechanism of co-operation for the Sarstoon River, remains outstanding and urged both countries and the OAS to reinvigorate their efforts in this regard.*

*They noted with satisfaction that in accordance with the Special Agreement to Submit Guatemala’s Claim to the International Court of Justice, Guatemala successfully held their referendum on 15 April 2018 to submit their claim on Belize to the International Court of Justice for a final resolution; and further noted that Belize was currently engaged in a nationwide public education campaign to prepare Belizeans to make an informed decision for its own referendum, scheduled to be held 10 April 2019.*

*Heads of Government expressed support for the crucial role of the OAS in the process aimed at resolving the dispute, arising from Guatemala’s claims on Belize; and further called on the international community to continue supporting the OAS Office in the Adjacency Zone.*

*Heads of Government underscored their unwavering support for the sovereignty, territorial integrity and security of Belize.”*

➤ **Guyana-Venezuela Relations**

*Having considered in Caucus the information presented by the President of Guyana on its border relations with Venezuela;*

**THE CONFERENCE:**

**Agreed** to issue the following Statement -

*“Heads of Government received an update on the most recent developments between the Cooperative Republic of Guyana and the Bolivarian Republic of Venezuela.*

*They noted that Guyana had filed its Application with the International Court of Justice on 29 March 2018, in accordance with the decision of the United Nations Secretary-General, which was issued on 30 January 2018 to choose the International Court of Justice as the means that is now to be used for the settlement of the controversy between Guyana and Venezuela.*

*Heads of Government further noted that Venezuela had indicated its decision not to participate in the case and that in such circumstances, the rules of the Court provide for a full hearing of the case and a final judgement that is legally binding on both the participating and non-participating countries.*

*Heads of Government expressed support for the judicial process underway which was intended to bring a peaceful and definitive end to the long standing controversy and which was in accordance with the principles and purposes of the United Nations Charter.*

*Heads of Government reiterated their firm and unswerving support for the maintenance of and preservation of the sovereignty and territorial integrity of Guyana.”*



## HGC/2018/39/11 EXCHANGE OF VIEWS WITH SPECIAL GUESTS

### ➤ ***President of Chile, His Excellency Sebastian Pinera Echenique***

*Having noted the presentations made by the Chairman of Conference, the Most Honourable Andrew Holness, and the President of Chile, His Excellency Sebastian Pinera Echenique, and taking into account the discussions that ensued;*

#### THE CONFERENCE:

**Reaffirmed** the Community's commitment to strengthening relations, political dialogue and technical cooperation links with Chile and **welcomed** Chile as a longstanding partner of CARICOM;

**Also welcomed** the proposal by Chile of five (5) areas for collaboration: a multidimensional approach to poverty; search and rescue missions in urban areas; environment and climate change; natural disasters including infrastructure repair; a proposed Free Trade Agreement with the Community; as well as Chile's intention to make resources available through the Capital Fund of the (OAS);

**Expressed** interest in furthering collaboration in the areas of food security, the Blue Economy/Oceans, bilingualism, and trade promotion;

**Agreed** to the convening of the CARICOM-Chile Joint Commission in order to concretise cooperation going forward and, in this regard, **noted** the willingness of Barbados to host such a meeting.

### ➤ ***President of Cuba, His Excellency Miguel Díaz-Canel Bermudez***

*Having noted the presentations made by the Chairman of Conference, the Most Honourable Andrew Holness, and the President of Cuba, His Excellency Miguel Díaz-Canel Bermudez, and taking into account the exchange of views that followed;*

#### THE CONFERENCE:

**Acknowledged** the continued strength of the fraternal relations between CARICOM and Cuba based on solidarity, mutual support and technical cooperation;

**Underlined** the need to increase trade and economic relations between CARICOM and Cuba and, in this regard, noted the proposal of Cuba to appoint working teams to identify commercial opportunities;

**Also underlined** the importance of increasing bilinguism among the youth of both sides;

**Highlighted** the need for a united Caribbean to exercise its control over the Caribbean Sea through conservation and exploitation of its economic opportunities;

**Reiterated** the Community's call for the lifting of the United States economic and financial embargo against Cuba and expressed concern over the reversal of measures taken earlier to improve the Cuba-United States relationship.

<b>HGC/2018/39/12</b>	<b>DELEGATION OF AUTHORITY TO THE COMMUNITY COUNCIL ON MATTERS RELATED TO THE ISSUE OF THE CARICOM LAISSEZ-PASSER</b>
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*Having considered Paper HGC/2018/39/12 entitled "Delegation of Authority to the Community Council on Matters Related to the Issue of the CARICOM Laissez-Passer";*

**THE CONFERENCE:**

**Ratified** the designation of the Caribbean Agricultural Research and Development Institute (CARDI) as a regional organisation whose officials may be issued with the CARICOM Laissez-Passer by the Secretary-General;

**Delegated** to the Community Council the authority to:

- (i) ratify a decision by the Secretary-General to issue the CARICOM Laissez-Passer to certain officials of entities designated by the Conference as Institutions of the Community who fulfil established criteria; and
- (ii) ratify a designation by the Secretary-General of a regional organisation as one whose officials may be issued by the Secretary-General with the CARICOM Laissez-Passer in cases where the regional organisation has not been designated by the Conference as an Institution of the Community.

## HGC/2018/39/13      A CARICOM REGIONAL STRATEGY FOR THE DEVELOPMENT OF STATISTICS

*Having reviewed Paper HGC/2018/39/13 entitled “A CARICOM Regional Strategy for the Development of Statistics”;*

### THE CONFERENCE:

**Endorsed** the Strategic Framework of the Regional Strategy for the Development of Statistics (RSDS) for strengthening and improving the availability of statistics for evidence-based decision-making as developed;

**Commended** PARIS21 for its support to the Community;

**Agreed** to the development of a comprehensive Implementation Plan for the RSDS, a Resource Mobilisation Strategy, a Monitoring and Evaluation Framework and a Communication and Advocacy Strategy;

**Encouraged** Member States and the CARICOM Secretariat to allocate the necessary human resource capacity at the national and regional levels, to adequately implement the Strategy.

## HGC/2018/39/14      THIRD UNITED NATIONS HIGH-LEVEL MEETING ON NON-COMMUNICABLE DISEASES

*Having considered Paper HGC/2018/39/14 entitled “Third United Nations High-Level Meeting on Non-Communicable Diseases”;*

***Recalling*** the significance of the 2007 Port-of-Spain Declaration in relation to the convening of the first High-Level Meeting (HLM) in 2011;

***Noting*** the restoration of some of CARICOM’s diminishing prestige on Non-Communicable Diseases (NCDs) at the global level - recognising however that more needs to be done;

***Acknowledging*** the progress made in furthering tobacco control and preventing childhood obesity in Member States of the Region;

***Recognising*** the importance of the HLM3 on NCDs to the continuation of global advocacy for the control of NCDs;

**THE CONFERENCE:**

**Encouraged** Member State representation at the highest level to the High-Level Meeting (HLM) on Non-Communicable Diseases (NCDs), September 2018;

**Requested** the Caucus of Permanent Representatives in New York to negotiate significant CARICOM representation at one of the two parallel side-events of the HLM3;

**Endorsed** the following six priorities for the Region to be advocated for during the negotiation of the Outcome Political Document:

1. Establishing and maintaining a smoke-free status for the Region;
2. Implementing policies geared to preventing childhood obesity, including for health-promoting school environments and Front of Package (FOP) labelling;
3. Promoting the elimination of cancer of the cervix;
4. Support for mitigation of post-disaster vulnerabilities related to NCDs in particular nutrition, treatment and care;
5. Increasing international financing and technical support; and
6. Strengthening accountability, in particular through national coordinating mechanisms;

**Agreed** that Member States would support the side-events leading up to the HLM3 and host a side-event during the HLM3 to celebrate the anniversary of the Port-of-Spain Declaration;

**Commended** the contribution of the civil society organisations in regional efforts to counter NCDs and encouraged the participation of national civil society organisations as part of Member State delegations to the HLM3;

**Expressed** gratitude to the Pan American Health Organisation and the World Health Organization (PAHO/WHO) for the support provided to the CARICOM regional preparations for the HLM3.

**HGC/2018/39/15      CONSTITUTIONAL RELATIONSHIP OF THE OVERSEAS  
TERRITORIES AND THE UNITED KINGDOM**

*Having considered Paper HGC/2018/39/15 entitled “Constitutional Relationship of the Overseas Territories and the United Kingdom”, in Caucus;*

**THE CONFERENCE:**

**Noted** with great concern the amendment approved by the UK House of Commons to the Sanctions and Anti-Money Laundering Bill requiring the UK Government to ensure that the British Overseas Territories, but not the Crown Dependencies, establish public registers of beneficial ownership information by no later than 31 December 2020;

**Expressed** their solidarity with the territories adversely affected by this unilateral action to legislate in areas of domestic policy constitutionally devolved to the territories without the consent and involvement of their people. Moreover, the action ran counter to an alternative arrangement to public registers earlier negotiated and agreed with the UK government and put in place at great cost to the overseas territories;

**Viewed** this action as being similar in nature to the unilateral and punitive extra-territorial measures such as “*blacklisting*” and “*de-risking*” taken against their own countries’ financial services sector, also a critical aspect of their economies, despite their best efforts at transparency and compliance.

**HGC/2018/39/17      DATE OF THE THIRTIETH INTER-SESSIONAL MEETING  
OF THE CONFERENCE (FEBRUARY 2019, ST. KITTS  
AND NEVIS)**

**THE CONFERENCE:**

**Agreed** that the Thirtieth Inter-Sessional Meeting of the Conference would be held in St. Kitts and Nevis on Tuesday, 26 - Wednesday, 27 February 2019.

<b>HGC/2018/39/18</b>	<b>ANY OTHER BUSINESS</b>
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<b><i>HGC/2018/39/18.1</i></b>	<b><i>Report from the Twenty-Fourth Meeting of the Prime Ministerial Sub-Committee (PMSC) on External Negotiations</i></b>
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***Having considered Paper HGC/2018/39/18.1 entitled “Report from the Twenty-Fourth Meeting of the Prime Ministerial Sub-Committee (PMSC) on External Negotiations” held in Montego Bay, Jamaica on 5 July 2018;***

***Noting*** that the Sub-Committee would need to convene again before the end of 2018 to provide political guidance on the Region’s participation in the ACP-EU post-Cotonou negotiations which are expected to be launched no later than August 2018;

**THE CONFERENCE:**

**Endorsed** the Report of the Prime Ministerial Sub-Committee (PMSC) and the decisions therein.

# DECLARATION ON CLIMATE CHANGE

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**ADOPTED AT THE THIRTY-NINTH REGULAR MEETING OF THE CONFERENCE OF HEADS OF GOVERNMENT OF THE CARIBBEAN COMMUNITY, 4-6 JULY, MONTEGO BAY, JAMAICA**

## **Securing the future of our people**

We, the Heads of State and Government of the Caribbean Community (CARICOM), at our Thirty-Ninth Regular Meeting of the Conference of Heads of Government of CARICOM on 4 - 6 July 2018 in Montego Bay, Jamaica,

Recalling the CARICOM Declaration for Climate Action made at the Thirty-Sixth Regular Meeting of the Conference of Heads of Government of the Caribbean Community (CARICOM) in July 2015,

Recalling the objectives, principles and commitments of the United Nations Framework Convention on Climate Change (the Convention), the Kyoto Protocol, the Doha Amendment to the Kyoto Protocol and the Paris Agreement,

Recalling further the 2030 Agenda for Sustainable Development (the 2030 Agenda) and its goals,

Reaffirming that Small Island Developing States (SIDS) remain a special case for environment and development, considering their unique and particular vulnerability to the adverse impacts of climate change, as acknowledged in the Convention, the Paris Agreement and by the international community in multiple international fora,

Noting with grave concern that our people are already confronting the negative effects of climate change, including extreme weather events such as hurricanes, especially Irma and Maria,

drought; and, in some cases, our ecosystems are approaching the limits of their adaptive capacities,

Recalling with appreciation the humanitarian support provided to CARICOM countries affected by hurricanes and tropical storms in 2017 and the financial commitments made at the CARICOM-UN High-Level Pledging Conference on 21 November 2017 to support their rebuilding efforts,

Alarmed that the Region's ability to achieve sustainable development in line with the 2030 Agenda will be severely compromised by the failure of the international community to take ambitious climate action to hold the increase in global average temperature to 1.5 degrees Celsius above pre-industrial levels (1.5°C ),

Underscoring thus the imperative to close the gap between the aggregate effect of mitigation targets in nationally determined contributions (NDCs) and the level of effort required to limit the increase in global average temperature to 1.5°C and reiterating further the equally urgent need to enhance the Region's capacity to adapt to the adverse impacts of climate change and to address permanent loss and damage,

### **Enhanced global cooperation for urgent and ambitious climate action**

Resolute in our commitment to urgent and ambitious action on climate change in order to secure the future of our people,

Now therefore, we, the Heads of State and Government:

Call for a global effort to close the mitigation ambition gap and place the world on pathways for low emissions climate resilient development;



Urge the international community to continue to support the Caribbean in its ongoing efforts to contribute to global efforts to reduce emissions of greenhouse gases and to adapt to the impacts of climate change and build the Region's resilience;

Emphasize the critical importance of pre-2020 climate action;

Further emphasize the centrality of the Paris Agreement for progressively ambitious climate action and urge universal participation in its implementation;

Commit to accelerate efforts regionally in order that all CARICOM Member States have undertaken the necessary action to ratify the Paris Agreement at the latest by the Conference of Parties to be held in Poland in December 2018 (COP 24);

### **Towards a successful COP 24**

Reflecting upon the specific needs and circumstances of our countries that are particularly vulnerable to the adverse impacts of climate change, we:

Commend the Fiji Presidency for its stewardship of the Twenty-Third Conference of the Parties (COP 23), its commitment to focus international attention on the plight of Small Island and Low-Lying Coastal Developing States (SIDS) and the continued preparatory work for COP 24, including the Talanoa Dialogue and the finalization of the Paris Agreement Work Programme (PAWP);

Encourage Poland in its capacity as the incoming Presidency of COP 24 to maintain international attention on the small island and low-lying coastal developing states and confirm CARICOM's full support for a successful and ambitious Climate Change Conference;

Look forward to the release in early October of the Inter-Governmental Panel on Climate Change Special Report: Global Warming of 1.5°C and a dedicated space to discuss the implications of the Report prior to COP to better inform the Talanoa Dialogue;

Commit to full participation in the Talanoa Dialogue process, at the national and regional levels, and to the highest level participation in the global process at COP 24, so as to catalyze the necessary political momentum for more ambitious climate action compatible with the 1.5°C temperature limit including through the communication of new and updated NDCs in advance of 2020;

Call for urgent steps to ensure progress in the completion of a holistic and effective Paris Agreement Work Programme by COP 24 that will establish a robust foundation and support all parties in the implementation of their obligations under the Agreement;

Emphasize that loss and damage is an integral pillar of the Paris Agreement and calls for the provision of adequate support to initiatives under the Warsaw International Mechanism (WIM) for Loss and Damage as well as support to enable countries to submit loss and damage proposals to the Green Climate Fund (GCF);

Call on all countries, both developing and developed, to participate actively and meaningfully in discussions to address Loss and Damage, including in the context of the Suva Expert Dialogue on Loss and Damage;

Urge the international community to support the CARICOM in its drive to recapitalize the Caribbean Catastrophe Risk Insurance Facility (CCRIF) as the premiere mechanism that presently addresses loss and damage, in the face of more intense extreme weather events exacerbated by climate change;

Recall the commitment of developed countries to jointly mobilize by 2020 through to 2025, USD100 billion per annum, and urge the announcement, during the High-level Ministerial Dialogue on Climate Finance, of demonstrable efforts to further advance towards meeting the 100 billion goal, while aiming to achieve a balance in the provision of resources for mitigation and adaptation actions and targeting the needs of SIDS for public and grant-based resources for adaptation;

Acknowledge the importance of the availability of a wide variety of sources, instruments and channels for scaling up climate finance and urge the finalization at COP 24 of the necessary decisions to have the Adaptation Fund serve the Paris Agreement;

Also urge the launch of an inclusive process for the first formal replenishment process of the Green Climate Fund (GCF) and the development of a comprehensive resource mobilization strategy informed by the latest science and the urgent needs especially of the Small Island and Low-Lying Coastal Developing States;

Commit to effectively participate in the negotiation process through to COP 24, in order to advance the region's priorities and to support and supplement positions taken by the Alliance of Small Island States (AOSIS); and

Urge the international community to ensure that the outcomes of COP 24 result in the full and effective operationalisation of the Paris Agreement.