

P R O T O C O L

ON THE

PRIVILEGES AND IMMUNITIES

OF THE

CARIBBEAN COMMUNITY

PROTOCOL

ON THE PRIVILEGES AND IMMUNITIES OF THE CARIBBEAN COMMUNITY

WHEREAS Article 20 of the Treaty of Chaguaramas provides that the Community shall have full juridical personality, and that each Member State shall in its Territory accord to it the most extensive legal capacity accorded to legal persons under its municipal laws; and

WHEREAS Article 21 of the aforementioned Treaty provides that the privileges and immunities to be recognised and granted by the Member States in connection with the Community shall be laid down in a Protocol:

The Member States of the Community agree as follows -

PART I

DEFINITIONS

ARTICLE 1

In this Protocol:

- (a) "archives of the Community" means the records, correspondence, documents, manuscripts, photographs, slides, films and sound recordings belonging to or held by the Community;

- (b) "The Community" means the Caribbean Community established by the Treaty done at Chaguaramas on 4th July 1973, but does not include Associate Institutions of the Community;
- (c) "Community's Headquarters Agreement" means the Agreement between the Government of Guyana and the Caribbean Community relating to the privileges and immunities to be granted in connection with the Secretariat.
- (d) "Conference" means the Heads of Government of the Member States;
- (e) "Member States" means the States which are members of the Caribbean Community;
- (f) "Official of the Community" means the Secretary General and staff of the Secretariat;
- (g) "property" means all forms of property, including funds and assets belonging to or held or administered by the Community, and in general all income accruing to the Community;
- (h) "representatives" shall be deemed to include all alternates, advisers, technical experts and secretaries of delegations;
- (i) "Secretary General" means the Secretary General as appointed under paragraph 2 of Article 15 of the Treaty;

- (j) "Treaty" means the Treaty done at Chaguaramas
on 4th July 1973 establishing the Caribbean Community
and Common Market.

PROPERTY, FUNDS AND ASSETS

ARTICLE 2

The Community, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. No waiver of immunity shall extend to any measure of execution.

ARTICLE 3

The premises of the Community shall be inviolable. The property of the Community wherever located and by whomsoever held shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative or judicial action.

ARTICLE 4

The archives of the Community and in general documents belonging to or held by it shall be inviolable wherever located.

ARTICLE 5

1. Without being restricted by financial controls, regulations or moratoria of any kind -

- (a) the Community may hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) the Community may freely transfer its funds, gold or currency from one country to another or within any country and convert any currency held by it into any other currency.

2. In exercising its rights under paragraph 1 of this Article, the Community shall pay due regard to any representations made by any Member State party to this Protocol and shall give effect to such representations insofar as it is considered possible to do so without detriment to the interest of the Community.

ARTICLE 6

The property of the Community shall be exempt from:

- (a) any form of direct taxation, but the Community shall not claim exemption from taxes which are in fact, no more than charges levied for specific services rendered;

- (b) customs duties and from prohibition and restrictions on imports and exports in respect of articles imported or exported by the Community for its official use; but articles imported under such exemption shall not be sold within the territory of the Member State except under conditions agreed to with the Government of that Member State;
- (c) customs duties and other levies and prohibitions and restrictions in respect of the import, sale and export of its publications.

FACILITIES IN RESPECT OF COMMUNICATIONS

ARTICLE 7

1. The Community shall enjoy in the territory of each Member State party to this Protocol, for its official communications, treatment not less favourable than that accorded by the Government of that Member State to any other Government, international organisation or foreign diplomatic mission if any.

2. The Community shall be immune from censorship of its official correspondence and other official communications.

3. The Community shall have the right to use codes and despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

4. Nothing in this Article shall be construed so as to preclude the adoption of appropriate security measures in the interest of the Member State concerned.

PART II

REPRESENTATIVES

ARTICLE 8

Any representative of a Member State, party to this Protocol while present on the business of the Community in the territory of another Member State shall in the discharge of his duties enjoy -

- (a) the same immunity from personal arrest and detention and from seizure of his personal and official baggage, and the same inviolability for all papers and documents as is accorded to a diplomatic agent in accordance with international law;
- (b) the right to use codes and to receive and send papers or correspondence by courier or in sealed bags;

- (c) exemption in respect of himself and members of his family forming part of his household from immigration restrictions, alien registration and national service obligations;
- (d) the same facilities in respect of currency or exchange restrictions and in respect of his personal and official baggage as are accorded to a representative of a foreign Government on a temporary official mission.

2. Any such representative shall also enjoy in respect of words spoken or written and all acts done by him in the course of the performance of official duties the same immunity from legal process of every kind as is accorded to a diplomatic agent in accordance with international law. This immunity shall continue although the person concerned has ceased to be a representative.

PART III

OFFICIALS OF THE COMMUNITY

AND EXPERTS ON MISSIONS

ARTICLE 9

1. The Conference of the Community shall specify the classes of officials to whom Article 10 applies and shall inform all Member States parties to this Protocol of its decision.

2. The names of the officials included in these classes shall be made known from time to time to all such Member States.

ARTICLE 10

1. Officials of the Community of the specified classes shall enjoy -

- (a) immunity from legal process in respect of words spoken or written and all acts done by them in the course of the performance of official duties. This immunity shall continue although the person concerned has ceased to be an official of the Community;
- (b) exemption from any form of taxation on salaries and emoluments received as officials of the Community;
- (c) immunity from national service obligations;
- (d) exemption for themselves, members of their families and dependents forming part of their household from immigration restrictions and alien registration;
- (e) the same facilities in respect of currency and exchange restrictions as are accorded to members of diplomatic missions of comparable rank;

- (f) the same repatriation facilities in time of international crisis for themselves, their families and dependents forming part of their household accorded to members of diplomatic missions of comparable rank;
- (g) the right to export from their country of residence free of duty and taxes their personal and household effects including one motor vehicle for any one official of the Community, at the time of first taking up their posts as officials of the Community in any Member State;
- (h) the right to import free of duty and taxes into such country of residence or to the country of which they are nationals, their personal and household effects including one motor vehicle for any one official of the Community on termination of their duties in the Member State.

2. The rights conferred by paragraph 1(g-h) above are subject to the conditions considered to be necessary by the Governments of the countries in which these rights are exercised.

ARTICLE 11

In addition to the privileges and immunities specified in Article 10 above, the Secretary-General shall be accorded in respect of himself, his spouse and children, the privileges and immunities normally accorded to heads of diplomatic missions in accordance with international law.

EXPERTS ON MISSIONS ON
BEHALF OF THE COMMUNITY

ARTICLE 12

1. Experts employed on missions on behalf of the Community, while present in the territory of a Member State party to this Protocol shall in the discharge of their duties, enjoy -

- (a) immunity from personal arrest and detention
in respect of official acts and from seizure
of their personal baggage, and the same
inviolability for all papers and documents
relating to the work on which they are engaged
for the Community;
- (b) the same facilities in respect of currency
and exchange regulations as are accorded to
representatives of foreign Governments on
temporary official missions.

2. Such experts shall enjoy in respect of words spoken or written and all acts done by them in the course of the performance of official duties the same immunity from legal process of every kind as is accorded to a diplomatic agent in accordance with international law. This immunity shall continue although the person concerned has ceased to be employed on a mission on behalf of the Community.

PART IV

LAISSEZ-PASSER

ARTICLE 13

1. (a) The Secretary-General may, subject to any conditions which may be laid down by the Conference from time to time, issue laissez-passer to officials of the Community. These laissez-passer shall be recognised and accepted as valid and sufficient travel documents by the Member States.

(b) Upon the presentation of the laissez-passer by an official of the Community, travelling on the official business of the Community, such official shall not be subject to customs and immigration formalities except where such formalities are required for statistical purposes; so, however, that nothing in this provision shall exempt such baggage from inspection in accordance with international law when there are serious grounds for presuming that it contains articles, the import or export of which is prohibited by law or controlled by quarantine regulations. Any such inspection shall be conducted only in the presence of the official concerned.

2. Applications for visas from experts and other persons who though not holders of the Community laissez-passer present a certificate under the hand of the Secretary General certifying that they are travelling on business of the Community shall be dealt with as speedily as possible.

3. Officials of the Community travelling on Community laissez-passer on the business of the Community shall be granted the same facilities as are accorded to officials of comparable rank forming part of the diplomatic missions to the Government concerned.

PART V

WAIVER OF IMMUNITIES AND PRIVILEGES

ARTICLE 14

The privileges and immunities accorded by this Protocol are granted in the interest of the Community and not for the personal benefit of the individuals themselves. The Secretary General may waive the immunity of any person entitled thereto in any case, where, in his opinion such immunity impedes or is likely to impede the course of justice and can be waived without prejudice to the interest of the Community. In the case of the Secretary General, the Conference shall have the power to waive his immunity.

ARTICLE 15

Nothing in the provision of this Protocol shall be construed as obliging any party to this Protocol to grant any of the privileges or immunities referred to therein to any person who is its national or who is permanently resident in its territory, whether as a representative or an official except immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of his functions.

PART VI

SETTLEMENT OF DISPUTES

ARTICLE 16

Any dispute arising between the parties to this Protocol out of the interpretation or application thereof, shall be settled by the Conference.

PART VII

SIGNATURE AND RATIFICATION

ARTICLE 17

1. The Protocol shall be open for signature and ratification by Member States of the Community.

2. Instruments of Ratification shall be deposited with the Secretariat which shall notify all Member States.

ENTRY INTO FORCE

ARTICLE 18

This Protocol shall come into force upon the deposit of the Instrument of Ratification with the Depositary by three-quarters of the Member States.

ACCESSION

ARTICLE 19

1. Any State which becomes a Member of the Community in accordance with Article 29 of the Treaty may accede to this Protocol.

2. The Instrument of Accession shall be deposited with the Secretariat which shall notify all the Member States.

TERMINATION OF MEMBERSHIP

ARTICLE 20

A Member State shall cease to be a party to this Protocol if it ceases to be a Member of the Community.

SUPPLEMENTARY AGREEMENTS

ARTICLE 21

The Secretary General may negotiate with any Member State Agreements supplementary to this Protocol adjusting the provisions thereof, so far as that Member State is concerned. Any such Agreements shall in each case be subject to the approval of the Conference.

MISCELLANEOUS PROVISIONS

ARTICLE 22

Nothing in this Protocol shall derogate from the privileges and immunities accorded under the Community's Headquarters Agreement.

IN WITNESS WHEREOF the undersigned duly authorised representatives of the Caribbean Community have signed this Protocol.

DONE at Georgetown, Guyana this 14th day of January 1985.

Signed by


(V.C. BIRD)

For the Government of Antigua and Barbuda on

at CASTRIES, ST. LUCIA.

July 2nd, 1987

Signed by


(JOSHUA SEARS)

For the Government of The Bahamas on

April 12, 1985

at

Georgetown, Guyana

Signed by


(L. BRAITHWAITE)

For the Government of Barbados on

April 12, 1985

at

Georgetown, Guyana

Signed by


(MANUEL ESQUIVEL)

For the Government of Belize on

July 3rd 1986.

at

Georgetown, Guyana

Signed by


(M. EUGENIA CHARLES)

For the Government of the Commonwealth of Dominica on

at

5th November 1987. at Roseau, Dominica

Signed by


(H.A. BLAIZE)

For the Government of Grenada on

10th November 1987

at

St Georges, Grenada

Signed by


(CARL B. GREENIDGE)

For the Government of Guyana on

April 12, 1985

at

Georgetown, Guyana.

Signed by


(J. VAZ)

For the Government of Jamaica on

April 12, 1985

at

Georgetown, Guyana

Signed by


(J.A. OSBORNE)

For the Government of Montserrat on

April 12, 1985

at

Georgetown Guyana.

Signed by


(F.P. JONES)

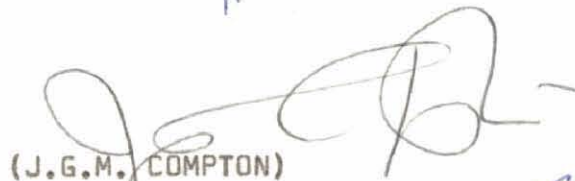
For the Government of Saint Christopher and Nevis on

June 29th 1985

at

Sr. Philip Barbados

Signed by


(J.G.M. COMPTON)

For the Government of Saint Lucia on

May 14, 1986

at

Caracas, Venezuela.

Signed by


(J. MITCHELL)

For the Government of Saint Vincent and the Grenadines on

at

Georgetown 2/7/86

Signed by


(GEORGE CHAMBERS)

For the Government of Trinidad and Tobago on

July 3, 1986

at

Georgetown

P R O T O C O L

ON THE

PRIVILEGES AND IMMUNITIES

OF THE

CARIBBEAN COMMON MARKET

PROTOCOL

ON THE PRIVILEGES AND IMMUNITIES OF THE CARIBBEAN COMMON MARKET

WHEREAS Article 63 of the Annex to the Treaty establishing the Caribbean Community (hereinafter referred to as the "Treaty") provides that the Common Market shall have international juridical personality and that each Member State shall, in its territory, accord to it the most extensive legal capacity accorded to legal persons under its municipal laws;

AND WHEREAS Article 64 of the Annex to the Treaty provides that the privileges and immunities to be recognised and granted by the Member States in connection with the Common Market shall be laid down in a Protocol;

THE MEMBER STATES OF THE COMMON MARKET AGREE AS FOLLOWS:

The provisions of the Protocol relating to the privileges and immunities of the Caribbean Community concluded in accordance with paragraph 1 of Article 21 of the Treaty shall be deemed to be incorporated in this Protocol for the purpose of providing for the privileges and immunities to be recognised

and granted by the Member States in connection with the Common Market in accordance with paragraph 1 of Article 64 of the Annex to the Treaty. Accordingly, those provisions shall be construed with such adaptations and modifications as may be necessary for their application to the Common Market.

IN WITNESS WHEREOF, the undersigned duly authorised representatives of the Governments of the Caribbean Common Market have signed this Protocol.

DONE at Georgetown, Guyana, this 14th day of January 1985.

Signed by

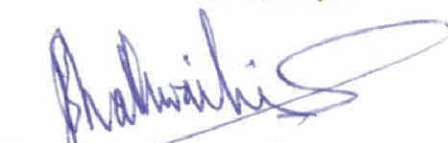

(V.E. BIRD)

For the Government of Antigua and Barbuda on

July 2nd, 1987

at *CASTRIES, St. Lucia*

Signed by


(L. BRAITHWAITE)

For the Government of Barbados on

April 12, 1985

at *Georgetown, Guyana.*

Signed by 
(MANUEL ESQUIVEL)

For the Government of Belize on July 3, 1986
at Georgetown, Guyana

Signed by 
(M. EUGENIA CHARLES)


For the Government of the Commonwealth of Dominica on 7th November 1987
at Roseau, Dominica.

Signed by 
(H.A. BLAIZE)


For the Government of Grenada on 10th November 1987
at St George's, Grenada

Signed by 
(CARL B. GREENIDGE)

For the Government of Guyana on April 12, 1985.
at Georgetown, Guyana

Signed by 
(D. HALL)

For the Government of Jamaica on April 12, 1985
at Georgetown, Guyana

Signed by 
(J.A. OSBORNE)

For the Government of Montserrat on April 12, 1985
at Georgetown, Guyana

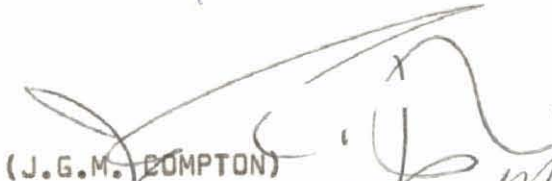
Signed by


(F.P. JONES)

For the Government of Saint Christopher and Nevis on June 29th 1985

at St. Philip, Barbados

Signed by


(J.G.M. COMPTON)

For the Government of Saint Lucia on May 14, 1986

at Caracas, Venezuela.

Signed by


(J. MITCHELL)

For the Government of Saint Vincent and the Grenadines on

at

St. Vincent 2/2/86

Signed by


(GEORGE CHAMBERS)

For the Government of Trinidad and Tobago on

at

Georgetown

July 3, 1986