

No. 6019

**UNITED STATES OF AMERICA,
FRANCE, NETHERLANDS and UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND**

**Agreement for the establishment of the Caribbean Organiza-
tion (with annexed Statute). Signed at Washington,
on 21 June 1960**

Official texts: English, French, Dutch and Spanish.

Registered by the United States of America on 29 December 1961.

**ÉTATS-UNIS D'AMÉRIQUE, FRANCE,
PAYS-BAS et ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

**Convention portant création de l'Organisation des Caraïbes
(avec Statut annexé). Signée à Washington, le 21 juin
1960**

Textes officiels anglais, français, néerlandais et espagnol.

Enregistrée par les États-Unis d'Amérique le 29 décembre 1961.

No. 6019. AGREEMENT¹ FOR THE ESTABLISHMENT OF
THE CARIBBEAN ORGANIZATION. SIGNED AT
WASHINGTON, ON 21 JUNE 1960

The Governments of the Republic of France, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Having reviewed the work of the Caribbean Commission since the entry into force of the Agreement for the establishment of the Caribbean Commission, signed at Washington on October 30, 1946;²

Recognizing that the Commission has done much to further regional cooperation in many fields, and has rendered valuable services in the Caribbean area;

Having considered the statements by representatives from the area calling for a revision of the Agreement for the establishment of the Caribbean Commission in the light of the new constitutional relationships in the Caribbean area;

Having considered that the purposes and functions as set out in the Agreement for the establishment of the Caribbean Commission should be the basis of a new organization designed to replace it;

Having noted the views expressed at the West Indian Conference convoked in Special Session commencing on July 28, 1959;

Having considered the draft Statute prepared by this Conference and transmitted to them by the Caribbean Commission;

¹ In accordance with article V of the Agreement and article XIX of the annexed Statute, the Agreement and Statute came into force on 6 September 1961, upon signature at San Juan of a Joint Declaration to that effect by the signatory Governments, following the deposit with the Government of the United States of America of their instruments of approval or acceptance, and after the Secretary-General of the Caribbean Commission had received notification, in accordance with paragraph 1 of article IV of the said Statute, from not less than six of the prospective members of the Caribbean Organization. The instruments of approval or acceptance were deposited on the dates indicated below :

France	27 December 1960
United Kingdom of Great Britain and Northern Ireland	12 January 1961
United States of America	12 July 1961
Netherlands	25 August 1961

Notifications from the following prospective members of the Caribbean Organization were received by the Secretary-General of the Caribbean Commission on the dates indicated :

Virgin Islands (U.S.)	27 October 1959
Surinam	14 September 1960
British Guiana	19 September 1960
Netherlands Antilles	23 September 1960
Puerto Rico	6 October 1960
France for French Guiana, Guadeloupe and Martinique	30 December 1960

West Indies	30 August 1961
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² United Nations, *Treaty Series*, Vol. 27, p. 77.

Noting that the purposes and functions as set out in this draft Statute accord with those which were the basis of the Agreement for the establishment of the Caribbean Commission; and

Noting that nothing in this draft Statute is intended to alter or conflict with the respective constitutional relations between the Governments hereinbefore named and the prospective Members of the Organization respectively;

Hereby agree as follows :

Article I

1. The Contracting Parties agree upon the establishment of the Caribbean Organization in accordance with the Statute¹ annexed to this Agreement.

2. The Republic of France for the Departments of French Guiana, Guadeloupe, and Martinique; the Netherlands Antilles; Surinam; the Bahamas; British Honduras; the British Virgin Islands; The West Indies; the Commonwealth of Puerto Rico ; and the Virgin Islands of the United States are eligible to become Members, and are referred to in this Agreement as “ prospective Members ”.

Article II

No provision of this Agreement shall be interpreted as affecting the present or future constitutional status of the prospective Members of the Organization or, where applicable, the present or future constitutional relations of any of the aforesaid prospective Members with the Contracting Parties.

Article III

On the termination of the Agreement for the establishment of the Caribbean Commission, signed at Washington on October 30, 1946, the assets of the Caribbean Commission shall be and are by virtue of this Agreement transferred to and vested in the Caribbean Organization. The Caribbean Organization is hereby authorized to assume at the same time the liabilities of the Caribbean Commission and shall be regarded as the successor body to the Caribbean Commission.

Article IV

The Agreement for the establishment of the Caribbean Commission shall terminate at the end of the first meeting of the Caribbean Council provided for in the Statute annexed to this Agreement.

¹ See p. 124 of this volume.

Article V

1. This Agreement shall be subject to approval or acceptance by the signatory Governments. Instruments of approval or acceptance shall be deposited with the Government of the United States of America, hereby designated as the depositary Government, which shall notify the other signatory Governments of each such deposit.

2. This Agreement shall enter into force on signature of a joint declaration to that effect by the signatory Governments, following deposit of instruments of approval or acceptance by the signatory Governments, and after the Secretary-General of the Caribbean Commission has received notification, in accordance with paragraph 1 of Article IV of the Statute annexed to this Agreement, from not less than six of the prospective Members of the Caribbean Organization.

3. This Agreement shall have indefinite duration. Any Contracting Party may at any time withdraw from the Agreement. Such withdrawal shall take effect one year after the date of the receipt by the depositary Government of the formal notification of withdrawal and shall be without prejudice to any liability already vested in the withdrawing Contracting Party by or under this Agreement in respect of the period before the withdrawal takes effect. This Agreement shall continue in force thereafter with respect to the other Contracting Parties.

Article VI

This Agreement, done in a single original in the English, French, Netherlands, and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies thereof will be transmitted by that Government to the other signatory Governments.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Agreement.

DONE at Washington this twenty-first day of June, 1960.

For the Government of the Republic of France :

Pour le Gouvernement de la République Française :

Voor de Regering van de Franse Republiek :

Por el Gobierno de la República Francesa :

Hervé ALPHAND

For the Government of the Kingdom of the Netherlands :

Pour le Gouvernement du Royaume des Pays-Bas :

Voor de Regering van het Koninkrijk der Nederlanden :

Por el Gobierno del Reino de los Países Bajos :

J. H. VAN ROIJEN

For the Government of the United Kingdom of Great Britain and Northern Ireland :

Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

Voor de Regering van het Verenigd Koninkrijk van Groot-Britannie en Noord-Ierland :

Por el Gobierno del Reino Unido de la Gran Bretaña e Irlanda del Norte :

Harold CACCIA

For the Government of the United States of America :

Pour le Gouvernement des États-Unis d'Amérique :

Voor de Regering van de Verenigde Staten van Amerika :

Por el Gobierno de los Estados Unidos de América :

Christian A. HERTER

Roderic L. O'CONNOR

STATUTE OF THE CARIBBEAN ORGANIZATION

WHEREAS the Caribbean Commission since its establishment in 1946 has done much to further regional cooperation in many fields and has rendered valuable services in the Caribbean area; and

WHEREAS since the establishment of the Caribbean Commission significant constitutional and economic changes have taken place in the area, and the peoples concerned have expressed their desire to accept increased responsibility in solving the problems of the area; and

WHEREAS in order to facilitate the continuance of social, cultural and economic cooperation in the area, it is considered advisable to establish a successor body, the Statute of which reflects these changes and the new responsibilities which the prospective Members (as defined in Article III of this Statute) have undertaken since 1946; and

WHEREAS the objectives herein set forth are in accord with the Charter of the United Nations;

NOW THEREFORE there is established the Caribbean Organization which is governed by the following provisions :

Article I

ESTABLISHMENT AND POWERS OF THE CARIBBEAN ORGANIZATION

1. There is hereby established the Caribbean Organization (hereinafter referred to as the « Organization »).
2. The Organization shall have consultative and advisory powers and such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

Article II

FUNCTIONS AND PURPOSES OF THE ORGANIZATION

Within the scope of its powers, the functions and purposes of the Organization shall be to concern itself with social, cultural and economic matters of common interest to the Caribbean area, particularly agriculture, communications, education, fisheries, health, housing, industry, labor, music and the arts, social welfare and trade.

Article III

ELIGIBILITY FOR MEMBERSHIP OF THE ORGANIZATION

1. The following are the prospective Members of the Organization, and are hereby declared eligible to become Members :

The Republic of France for the Departments of French Guiana, Guadeloupe and Martinique

The Netherlands Antilles
Surinam
The Bahamas
British Guiana
British Honduras
The British Virgin Islands
The West Indies
The Commonwealth of Puerto Rico
The Virgin Islands of the United States.

2. The Republic of France, as referred to in paragraph 1 of this Article, shall be represented in the Organization by one delegation having three votes.

Article IV

NOTIFICATION OF MEMBERSHIP AND WITHDRAWAL

1. Any prospective Member of the Organization may at any time declare by notification given to the Secretary-General of the Caribbean Commission, or the Secretary-General of the Organization, that it accepts the obligations imposed by this Statute and that it elects to become a Member.

2. Any notification in accordance with the preceding paragraph of this Article received by the Secretary-General on or before the date on which this Statute comes into force shall take effect on that date. Any notification received after the date on which this Statute comes into force shall take effect on the date of its receipt by the Secretary-General.

3. Any Member may at any time declare by notification given to the Secretary-General of the Organization that it elects to cease to be a Member. This notification shall take effect one year after the date of its receipt by the Secretary-General of the Organization. On the withdrawal from the Agreement¹ to which this Statute is annexed of any Party to that Agreement, the Members for whose international relations that Party is responsible shall cease to be Members of the Organization.

4. Where a Member ceases to be a Member in accordance with paragraph 3 of this Article, such cessation shall be without prejudice to any liability already vested in that Member by or under this Statute in respect of the period before the cessation takes effect.

5. The Secretary-General shall notify all Governments signatory to the Agreement to which this Statute is annexed and all Members and prospective Members of the receipt of any notification referred to in paragraphs (1) and (3) of this Article.

Article V

THE CARIBBEAN COUNCIL

The governing body of the Organization shall be the Caribbean Council (hereinafter referred to as the "Council").

¹ See p. 110 of this volume.

Article VI

COMPOSITION OF THE COUNCIL

1. Each Member shall be entitled to send to each session of the Council one delegate and such advisers as it may consider necessary, but the Republic of France shall be entitled to send one delegation and such advisers as it may consider necessary. Such delegates or delegation, as the case may be, shall be appointed in accordance with the constitutional procedures of each Member. The Secretary-General shall be notified by the Members of the appointment of each delegate or delegation, as the case may be.

2. Each Member may at any time, by notification given to the Secretary-General, appoint a person to act as alternate during the absence of its delegate from any meeting of the Council. The Republic of France shall have similar rights with respect to its delegation. The alternate, while so acting, shall stand in all respects in the place of the delegate.

Article VII

FUNCTIONS AND POWERS OF THE COUNCIL

Within the scope of the powers of the Organization, the Council shall :

- (a) study, formulate and recommend to Members measures, programs and courses of action in social, cultural and economic matters designed to contribute to the well-being of the Caribbean area;
- (b) assist in the coordination of local projects which have regional significance and in the provision of technical guidance on a regional basis;
- (c) arrange for or provide technical guidance not otherwise available;
- (d) promote the coordination of research on a regional basis;
- (e) make recommendations to the Members for carrying into effect action in regard to social, cultural and economic problems;
- (f) further cooperation with other international and national organizations and with universities, foundations and similar institutions having common interests in the Caribbean area and, subject to the principle expressed in Article XVII, may
 - (i) on behalf of the Organization, conclude technical assistance agreements with other international or national organizations, being agreements which every Member is competent or authorized to conclude and the conclusion of such agreements being dependent on a unanimous vote;
 - (ii) on behalf of the Organization, or, as may be appropriate, on behalf of such of the Members as may make the specific request, conclude arrangements or contracts in pursuance of the aforesaid agreements;
 - (iii) conclude appropriate cooperation agreements with universities, foundations and similar institutions, and arrangements or contracts in pursuance of these agreements;

- (g) summon such conferences, appoint such committees, and establish such auxiliary bodies as it may find necessary and desirable;
- (h) direct and review the activities of the Central Secretariat and the aforementioned conferences, committees and auxiliary bodies;
- (i) issue the staff rules of the Central Secretariat;
- (j) issue the financial regulations of the Organization;
- (k) appoint a Secretary-General in accordance with paragraph 5 of Article IX and paragraph 4 of Article X.

Article VIII

MEETINGS AND PROCEDURES OF THE COUNCIL

1. The Council shall establish its own rules of procedure.
2. Meetings of the Council shall be presided over by a Chairman, chosen from among the delegates to the Council.
3. The Council shall hold at least one meeting each year at which the annual budget for the ensuing year shall be considered. It is empowered to convene and hold meetings at such times and at such places as it may decide. The Chairman shall cause a meeting to be convened if requested to do so by not less than one-half of the Members. The first meeting of the Council (which shall be a budget meeting) shall be held at such time after the coming into force of this Statute and at such place as may be designated by the Caribbean Commission.
4. Meetings of the Council shall preferably be held in the territory of each of the Members in turn, and a similar principle, where appropriate, shall be followed with regard to all other activities of the Organization.
5. The first Chairman shall be elected at the first meeting and shall hold office until the end of the ensuing year. Thereafter the Chairmanship shall rotate in accordance with such rules of procedure as the Council may adopt, provided always that a Chairman shall not be of the same nationality as the preceding Chairman.

Article IX

VOTING IN THE COUNCIL

1. Subject to paragraph 2 of this Article, each delegate shall be entitled to cast one vote, but the delegation of the Republic of France shall be entitled to cast three votes.
2. Matters of procedure shall be decided by the Council by a simple majority of the votes cast. Except as provided for in paragraphs 3, 4 and 5 of this Article, subparagraph (f) (i) of Article VII, and paragraphs 3 and 4 of Article XII, all other matters, including disputes as to the classification of any matter as procedural or substantive, shall be decided by a two-thirds majority of the votes cast. However, when a decision or recommendation is adopted by a two-thirds majority of the votes cast, any Member may declare that the decision or recommendation will not be applicable as far as it is concerned. Where, in respect of a matter to be decided by a simple majority of the votes cast, the votes are equally divided, the Chairman shall have a casting vote. If the Chairman does not in such a case use his casting vote, the motion for decision shall be lost.

3. The Council shall examine drafts of the annual budget and any supplementary budgets submitted by the Secretary-General. Voting on the total figure of a budget, annual or supplementary, shall be preceded by a vote on each budget head. Each budget head shall be approved by a two-thirds majority of the votes cast. The total of a budget, annual or supplementary, shall be approved by a unanimous vote. In the event that it is not possible to obtain a unanimous vote on the budget for any year, the budget voted for the previous year shall remain in force and the Members shall continue to make the same contribution as they made during the preceding year.

4. The adoption and amendment of the Rules of Procedure shall require unanimity of the votes cast.

5. The appointment of the Secretary-General shall require unanimity of the votes cast.

6. For the purpose of this Statute, "the votes cast" means votes cast affirmatively or negatively. Abstentions shall not be considered as votes cast.

Article X

THE CENTRAL SECRETARIAT

1. The Organization shall maintain in the Caribbean area a Central Secretariat to serve the Council and its conferences, committees and auxiliary bodies.

2. The Secretary-General shall be the chief administrative officer of the Organization. He shall be responsible for carrying out all directives of the Council.

3. Subject to the staff rules issued by the Council and any further directives he may receive from the Council, the Secretary-General shall appoint and dismiss the staff of the Organization.

4. In the appointment of the Secretary-General and other members of the staff of the Central Secretariat, primary consideration shall be given to the technical and personal qualifications of the candidates. To the extent possible consistent with this consideration, the staff shall be recruited within the Caribbean area and with a view to obtaining equitable national representation.

5. In the performance of their duties the Secretary-General and staff shall not seek, receive or observe instructions from any Government, from any Member, or from any authority external to the Organization. The Secretary-General and staff shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

6. Each Member undertakes to respect the exclusively international character of the functions of the Secretary-General and staff and not to seek to influence them in the discharge of their responsibilities.

Article XI

FINANCES

1. The expenses of the Organization shall be borne by the Members in proportions to be specified in an appropriate arrangement arrived at unanimously by the Members.

2. The fiscal year of the Organization shall be the calendar year.

3. The Secretary-General shall prepare and submit to the Council the draft of an annual budget and such supplementary budgets as may be required by the Organization and shall submit them to the Members at least one month prior to their discussion by the Council. Upon approval of the budget, the total amount thereof shall be allocated among the Members in the proportions arrived at in accordance with paragraph 1 of this Article. Each Member shall undertake, subject to the requirements of its constitutional procedures, to contribute promptly to a Joint Fund to be established by the Members such annual and supplementary sums as may be charged to each in accordance with the arrangement referred to in paragraph 1.

4. The Secretary-General shall hold and administer the Joint Fund of the Organization and shall keep proper accounts thereof. The Council shall make arrangements satisfactory to the Members for the audit of the accounts of the Organization. The audited statements shall be forwarded annually to each Member.

5. The expenses of delegates or delegations attending meetings sponsored by the Organization shall be borne by the Members whom they respectively represent.

Article XII

OBSERVERS

1. The Parties to the Agreement to which this Statute is annexed shall be entitled to send to all meetings held under the auspices of the Organization observers who shall have the right to speak but not to vote.

2. Any prospective Member of the Organization shall be entitled to send to all meetings held under the auspices of the Organization observers who shall have the right to speak but not to vote.

3. The Council may, if it so decides by a unanimous vote, and subject to the approval of the Parties to the Agreement to which this Statute is annexed, authorize the Secretary-General to issue to any Government having interests in the Caribbean area not being a Party to the Agreement to which this Statute is annexed an invitation to send observers to any meeting held under the auspices of the Organization.

4. The Council may, if it so decides by a unanimous vote, authorize the Secretary-General to issue to the organizations, universities, foundations and similar institutions as referred to in subparagraph (f) of Article VII, an invitation to send observers to any meeting held under the auspices of the Organization.

Article XIII

RELATIONSHIPS WITH GOVERNMENTS NOT PARTIES TO THE AGREEMENT

The Organization in all its activities shall bear in mind the desirability of strengthening international cooperation in social, cultural and economic matters with Governments having an interest in such matters in the Caribbean area but not being Parties to the Agreement to which this Statute is annexed.

Article XIV

IMMUNITIES

Each Member undertakes to accord, so far as possible under its constitutional procedures, to the Organization, the Secretary-General and appropriate personnel of the Central Secretariat such privileges and immunities as may be necessary for the independent exercise of their functions, and to the Central Secretariat inviolability of its buildings, premises, archives and assets.

Article XV

LANGUAGES

The English, French, Netherlands and Spanish languages shall be the official languages of the Organization. The working languages shall be English and French.

Article XVI

TRANSFER OF ASSETS AND LIABILITIES OF THE CARIBBEAN COMMISSION

With effect from the termination of the Agreement for the Establishment of the Caribbean Commission under Article IV of the Agreement to which this Statute is annexed, the Organization, as the successor body to the Caribbean Commission, is authorized to take over all the assets and shall assume all the liabilities of the Caribbean Commission.

Article XVII

SAVING CLAUSE

No provision of this Statute shall be interpreted as affecting the present or future constitutional status of the Members of the Organization, or, where applicable, the present or future constitutional relations of any of the aforesaid Members with the Parties to the Agreement to which this Statute is annexed.

Article XVIII

AMENDMENT OF STATUTE

Amendment to this Statute shall require the unanimous approval of the Members of the Organization and of the Parties to the Agreement to which this Statute is annexed.

Article XIX

ENTRY INTO FORCE

This Statute shall enter into force immediately after :

- (a) there has been received by the Secretary-General of the Caribbean Commission notification pursuant to paragraph 1 of Article IV from at least six of the prospective Members of the Organization; and

- (b) the Parties to the Agreement to which this Statute is annexed have signed a Joint Declaration under paragraph 2 of Article V of that Agreement.

Article XX

TRANSITIONAL PROVISIONS

Until such time as the Secretary-General of the Organization is appointed and is able to assume the duties of his office, the Secretary-General of the Caribbean Commission shall be the Secretary-General of the Organization with power to appoint a staff on a temporary basis.