

International Law Studies—Volume 45

International Law Documents

The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. Government,
the U.S. Department of the Navy or the Naval War College.

IV. THE WESTERN HEMISPHERE

THE CARIBBEAN COMMISSION

NOTE.—An Anglo-American Caribbean Commission was established on an informal basis on 9 March 1942, with a view to improving the economic and social development of the region. In 1945, it was enlarged to include members designated by France and the Netherlands, and its name was changed to Caribbean Commission. The secretariat of the Commission has its headquarters at Port-of-Spain, Trinidad. The Agreement of 30 October 1946, designed to place the Commission on a more formal basis, had not formally entered into force on 1 November 1947, but the Commission operates within its framework.

(17) Agreement for the Establishment of the Caribbean Commission, Washington, 30 October 1946 *

(British Parliamentary Papers Cmd. 6972)

The Governments of the French Republic, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, whose duly authorised representatives have subscribed hereto,

Being desirous of encouraging and strengthening co-operation among themselves and their territories with a view toward improving the economic and social well-being of the peoples of those territories, and

Being desirous of promoting scientific, technological, and economic development in the Caribbean area and facilitating the use of resources and concerted treatment of mutual problems, avoiding duplication in the work of existing research agencies, surveying needs, ascertaining what research has been done, facilitating research on a co-operative basis, and recommending further research, and

Having decided to associate themselves in the work heretofore undertaken by the Anglo-American Caribbean Commission, and

*The Agreement was approved by the United States on 5 March 1948.

Having agreed that the objectives herein set forth are in accord with the principles of the Charter of the United Nations,

Hereby agree as follows:

ARTICLE I. *Establishment of the Caribbean Commission and Auxiliary Bodies.*—There are hereby established the Caribbean Commission (hereafter referred to as “the Commission”) and, as auxiliary bodies of the Commission, the Caribbean Research Council and the West Indian Conference (hereinafter referred to as “the Research Council” and “the Conference” respectively).

ARTICLE II. *Composition of the Commission.*—1. The Commission shall consist of not more than sixteen Commissioners appointed by the Governments signatory hereto (hereinafter referred to as the “Member Governments”). Each Member Government may appoint four Commissioners and such alternates as it may deem necessary. Each such group of Commissioners shall form a national section of the Commission.

2. Each Member Government shall designate one of its Commissioners to be the Chairman of its national section. Each such Chairman, or in his absence, the Commissioner designated by him from his national section as his alternate, shall be a Co-Chairman of the Commission and shall preside over meetings of the Commission in rotation according to English alphabetical order of the Member Governments, irrespective of where a meeting of the Commission may be held.

ARTICLE III. *Powers of the Commission.*—The Commission shall be a consultative and advisory body and shall have such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

ARTICLE IV. *Functions of the Commission.*—The functions of the Commission shall be as follows:—

- (1) To concern itself with economic and social matters of common interest to the Caribbean area, particularly agriculture, communications, education, fisheries, health, housing, industry, labour, social welfare and trade.
- (2) To study, formulate and recommend on its own initiative, or as may be proposed by any of the Member or territorial Governments, by the Research Council or the Conference, measures, programmes and policies with respect to social and economic problems designed to contribute to the well-being of the Caribbean area. It shall advise the Member and territorial Governments on all such matters, and make recommendations for the carrying into effect of all action necessary or desirable in this connection.
- (3) To assist in co-ordinating local projects which have regional significance and to provide technical guidance from a wide field not otherwise available.
- (4) To direct and review the activities of the Research Council and to formulate its rules of procedure.
- (5) To provide for the convening of the sessions of the Conference, to formulate its rules of procedure, and to report to the Member Governments on Conference resolutions and recommendations.

ARTICLE V. *Meetings of the Commission.*—1. The Commission shall hold not less than two Commission meetings each year. It is empowered to convene

and hold meetings at any time and at any place it may decide.

2. At all such meetings the four Co-Chairmen, or their designated alternates, shall constitute a quorum.

ARTICLE VI. *Method of Arriving at Decisions.*—The Commission shall be empowered to determine the method of arriving at its decisions, providing that decisions other than those relating to procedure shall not be taken without the concurrence of the respective Co-Chairmen or their designated alternates.

ARTICLE VII. *The Research Council.*—The Research Council, together with such Research Committees as the Commission may establish, shall serve as an auxiliary body of the Commission with respect to scientific, technological, social and economic research for the benefit of the peoples of the Caribbean area.

ARTICLE VIII. *Composition of the Research Council.*—1. The Research Council shall consist of not less than seven and not more than fifteen members who shall be appointed by the Commission having special regard to their scientific competence. At least one member of each Research Committee shall be a member of the Research Council.

2. The Research Council shall elect a Chairman from among its members. A Deputy Chairman of the Research Council shall be appointed by the Commission and shall serve on the Central Secretariat.

3. The present composition of the Research Council and of its Research Committees shall be deemed to be effective from the 1st day of January, 1946.

ARTICLE IX. *Functions of the Research Council.*—The function of the Research Council shall be—

(a) To recommend to the Commission the number and functions of the technical Research Committees necessary to provide specialised scientific consideration of Caribbean research problems.

(b) In the interest of the Caribbean area to ascertain what research has been done, to survey needs, to advise concerning desirable research projects, to arrange and facilitate co-operative research, to undertake research assignments of a special nature which no other agency is able and willing to carry out, and to collect and disseminate information concerning research.

(c) To recommend to the Commission the holding of Research Council and Committee meetings and also of meetings of scientific, specialist and extension workers, and to facilitate an interchange of experience among the research workers of the Caribbean.

ARTICLE X. *The Conference*.—The Conference shall be an auxiliary body of the Commission. The continuity of its existence shall be ensured by means of regular sessions.

ARTICLE XI. *Composition of the Conference*.—

1. Each territorial Government shall be entitled to send to each session of the Conference not more than two delegates and as many advisers as it may consider necessary.

2. Delegates to the Conference shall be appointed for each territory in accordance with its constitutional procedure. The duration of their appointments shall be determined by the appointing Governments.

ARTICLE XII. *Functions of the Conference*.—The sessions of the Conference shall provide a regular means of consultation with and between the delegates from the territories on matters of common interest within the terms of reference of the Commission as described in Article IV hereof, and shall afford the opportunity to present to the Commission recommendations on such matters.

ARTICLE XIII. *Meetings of the Conference*.—1. The Commission shall convene the Conference at

least biennially, on such date as the Commission shall decide. The location of each session of the Conference, which shall be in one of the territories, shall be selected in rotation according to English alphabetical order of the Member Governments.

2. The Chairman of each session of the Conference shall be the Chairman of the national section of the Commission in whose territory the session is held.

ARTICLE XIV. *Central Secretariat*.—1. The Commission shall establish, at a place within the Caribbean area to be agreed upon by the Member Governments, a Central Secretariat to serve the Commission and its auxiliary bodies.

2. A Secretary-General and a Deputy Secretary-General shall be appointed by the Commission under such terms and conditions as it shall prescribe. On the occurrence of a vacancy in the office of Secretary-General the position shall not be filled, except for special reasons approved by the Commission, by a candidate of the same nationality as the outgoing Secretary-General, regard being had to the desirability of continuity in the administration of the Commission's business. It shall, however, be open to the Commission at its discretion to reappoint any Secretary-General for a further term. The Secretary-General shall be the chief administrative officer of the Commission and shall carry out all directives of the Commission.

3. The Secretary-General shall be responsible for the proper functioning of the Central Secretariat and shall be empowered, subject to such directions as he may receive from the Commission, to appoint and dismiss such staff as may be deemed necessary to ensure efficient conduct of Commission business, provided that the appointment and dismissal of the Assistants to the Secretary-General shall be subject to approval by the Commission.

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

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

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

7. Each Member Government undertakes so far as possible under its constitutional procedure to accord to the Secretary-General and appropriate personnel of the Central Secretariat such privileges and immunities as are necessary for the independent exercise of their functions, including inviolability of premises and archives of the Central Secretariat. The Commission shall make recommendations with a view to determining the details of the application of this paragraph, or may propose conventions to the Member Governments for this purpose.

ARTICLE XV. *Finances.*—1. The salaries, allowances and miscellaneous expenditures of the Commissioners and their staffs, and of delegates and advisers to conferences, shall be determined and

paid by the respective Governments appointing them.

2. The Secretary-General shall prepare and submit to the Commission an annual budget and such supplementary budgets as may be required covering all other expenditures of the Commission, including those of the Research Council, the Conference, the Central Secretariat, special research projects, conferences, surveys and other similar activities under Commission auspices. Upon approval of the budget by the Commission, the total amount thereof shall be allocated among the Member Governments in proportions to be determined by agreement. A joint fund shall be established by the Member Governments for the use of the Commission in meeting the expenditures estimated in the said annual or supplementary budgets. Each Member Government shall undertake, subject to the requirements of its constitutional procedure, to contribute promptly to this fund such annual and supplementary sums as may be charged to each as agreed.

3. The fiscal year of the Commission shall be the calendar year. The first budget of the Commission shall cover the period from the date of the entry into force of this Agreement to and including the 31st day of December 1946.

4. The Secretary-General shall hold and administer the joint fund of the Commission and shall keep proper accounts thereof. The Commission shall make arrangements satisfactory to the Member Governments for the audit of its accounts. The audited statements shall be forwarded annually to each Member Government.

ARTICLE XVI. *Authority to Appoint Committees and Make Regulations.*—The Commission is hereby empowered to appoint committees, and subject to the provisions of this Agreement, to promulgate

rules of procedure and regulations governing the operations of the Commission, its auxiliary bodies, the Central Secretariat, and such committees as it shall establish, and generally for the purpose of carrying into effect the terms of this Agreement.

ARTICLE XVII. *Relationship with Non-Member Governments in the Area.*—The Commission and Research Council in their research projects and in the formulation of recommendations shall bear in mind the desirability of co-operation in social and economic matters with other Governments of the Caribbean area, not members of the Commission. The issuance of invitations to such Governments to participate in conferences or other meetings sponsored by the Commission shall be subject to approval by the Member Governments.

ARTICLE XVIII. *Relationship with United Nations and Specialised Agencies.*—1. The Commission and its auxiliary bodies, while having no present connection with the United Nations, shall co-operate as fully as possible with the United Nations and with appropriate specialised agencies on matters of mutual concern within the terms of reference of the Commission.

2. The Member Governments undertake to consult with the United Nations and the appropriate specialised agencies, at such times and in such manner as may be considered desirable, with a view to defining the relationship which shall exist and to ensuring effective co-operation between the Commission and its auxiliary bodies and the appropriate organs of the United Nations and specialised agencies, dealing with economic and social matters.

ARTICLE XIX. *Saving Clause.*—Nothing in this Agreement shall be construed to conflict with the existing or future constitutional relations between any Member Government and its territories or in

any way to affect the constitutional authority and responsibility of the territorial Governments.

ARTICLE XX. *Definitions*.—In this Agreement the expressions “territories” or “territorial Governments” shall be deemed to relate to the territories, possessions, colonies, or groups of colonies of the Member Governments in the Caribbean area or to the administrations or Governments thereof.

ARTICLE XXI. *Entry into Force*.—1. This Agreement shall enter into force when notices of approval thereof shall have been deposited by all four signatory Governments with the Government of the United States of America which shall notify the other signatory Governments of each such deposit and of the date of entry into force of the Agreement.

2. This Agreement shall have indefinite duration, provided that after an initial period of five years any Member Government may give notice at any time of withdrawal from the Commission. Such notice shall take effect one year after the date of its formal communication to the other Member Governments, but this Agreement shall continue in force with respect to the other Member Governments.

In witness whereof the duly authorized representatives of the respective Member Governments have signed this Agreement on the dates appearing opposite their signatures.

Opened for signature in Washington, on 30th October, 1946, and done in quadruplicate, in the English, French and Netherlands languages, each of which shall be equally authentic.

[Here follow the signatures of the representatives of the French Republic, the Kingdom of the Netherlands, the United Kingdom and the United States of America, the latter reserving the right to await Congressional consideration before giving notice of approval.]