

Agreement Establishing The Caribbean Disaster Emergency Response Agency

THE STATES PARTIES:

CONSCIOUS that the fragile economies and ecosystems of Caribbean States are extremely vulnerable to natural and man-made disasters;

RECALLING that during recent decades many Caribbean States have been adversely affected by a succession of hurricanes, namely Barbados (1955); Cuba, Trinidad and Tobago, Jamaica and Haiti (1964); Dominica and the Dominican Republic (1979); Saint Lucia, Haiti and Jamaica (1980) and Antigua and Barbuda, St. Kitts and Nevis and Montserrat (1989);

RECALLING FURTHER the volcanic eruptions in Martinique and St. Vincent and the Grenadines (1902); Guadeloupe (1976); St. Vincent and the Grenadines (1979) as well as the earthquakes in Jamaica (1902); Puerto Rico (1918); the Dominican Republic (1946) and Antigua and Barbuda (1974);

MINDFUL that, from time to time, several States of the Caribbean are subject to disastrous floods and landslides;

AWARE of the need to complement the initiatives of the Pan Caribbean Disaster Preparedness and Prevention Project by establishing a mechanism among Caribbean States in order to facilitate immediate and coordinated assistance to States participating therein in the event of a disaster;

HAVE AGREED AS FOLLOWS:

ARTICLE 1 DEFINITIONS

In this Agreement, unless the context otherwise requires:

(a) "Caribbean" means the territories of Member Countries of the Pan Caribbean Disaster Preparedness and Preservation

Project;

(b) "CARICOM" means the Caribbean Community;

(c) "Coordinator" means the Disaster Emergency Response Coordinator appointed pursuant to Article 7;

(d) "disaster" means a sudden event attributable directly and solely either to the operation of the forces of nature or to human intervention or to both of them and characterised by widespread destruction of lives or property accompanied by extensive dislocation of public services, but excluding events occasioned by war, military confrontation or mismanagement;

(e) "national relief organisation" means the governmental agency charged with responsibility for disaster relief management;

(f) "Participating State" means a State party to this Agreement and "affected Participating State" means such a State in the territory of which a disaster has occurred;

(g) "State" includes a dependent political entity of the Caribbean.

ARTICLE 2 ESTABLISHMENT OF THE AGENCY

The Caribbean Disaster Emergency Response Agency (hereinafter referred to as "the Agency") is hereby established with the membership, structure, powers and functions herein set forth.

ARTICLE 3 MEMBERSHIP

Membership of the Agency shall be open to -

(a) the States listed in the Annex to this Agreement; and

(b) other States admitted to membership thereof in accordance with Article 32.

ARTICLE 4 OBJECTIVES

The Agency shall have the following objectives:

- (a) to make an immediate and coordinated response by means of emergency disaster relief to an affected Participating State;
- (b) to secure, coordinate and channel to interested inter-governmental and non-governmental organisations reliable and comprehensive information on disasters affecting a Participating State;
- (c) to mobilise and coordinate disaster relief from governmental and non-governmental organisations for affected Participating States;
- (d) to mitigate or eliminate, as far as practicable, the immediate consequences of disasters in Participating States;
- (e) to promote the establishment, enhancement and maintenance on a sustainable basis adequate emergency disaster response capabilities among the Members of the Agency.

ARTICLE 5 ORGANS OF THE AGENCY

The Agency shall have the following organs with the powers and functions specified in this Agreement:

- (a) The Council;
- (b) The Board of Directors; and
- (c) The Coordinating Unit.

ARTICLE 6 THE COUNCIL

1. The Council shall consist of the Heads of Government of the Participating States.
2. Every member of the Council shall be entitled to nominate

any other person to represent that member at meetings of the Council.

3. The Council shall meet in ordinary session at least once in every calendar year and shall convene in extraordinary sessions at the request of three-quarters of the membership of the Agency.

4. Subject to the provisions of paragraph 3 of this Article, the Council shall regulate its own procedure.

ARTICLE 7 FUNCTIONS OF THE COUNCIL

The Council shall:

(a) determine the policy of the Agency;

(b) determine the organisations with which the Agency may establish functional relationships;

(c) appoint the Disaster Emergence Response Coordinator on the recommendation of the Board of Directors;

(d) designate such national disaster relief organisations as it may deem expedient as Sub-Regional Disaster Emergency Response Operational Units with prior consent of the Government of the Participating State concerned;

(e) approve the budgets of the Agency and the contributions of Participating States thereto;

(f) perform such other functions as it may deem necessary or expedient to achieve the objectives of this Agreement.

ARTICLE 8 THE BOARD OF DIRECTORS

1. The Board of Directors shall consist of the heads of national disaster relief organisations of Participating States, with the Coordinator as its Chairman.

2. The Chairman shall convene the meetings of the Board of Directors which shall meet at least once in every calendar year. The Chairman shall convene extraordinary meetings of the Board at the request of not less than one-half of its members.

3. Subject to the foregoing provisions, the Board of Directors shall regulate its own procedure.

ARTICLE 9 FUNCTIONS OF THE BOARD OF DIRECTORS

The Board of Directors shall:

(a) establish procedures for mobilising national resources to provide assistance in a timely and efficacious manner;

(b) establish a system for maintaining and sharing inventories of critical resources likely to be needed by Participating States in the event of a disaster;

(c) establish arrangements for rapidly accessing financial resources to cover the cost of mobilisation in the event of disaster in a Participating State;

(d) establish and maintain systems for facilitating the movement of resources originating in or transiting a Participating State having regard to the requirements of immigration and customs authorities;

(e) establish pro forma lists of the likely requirements of Participating States in the event of disaster;

(f) establish standards and procedures for the fair and equitable deployment of resources made available by Participating States in response to a disaster;

(g) determine the standards and procedures for a phased triggering of the disaster response mechanism;

(h) assess the contributions of Participating States to the administrative budget of the Agency and the Emergency Assistance Fund referred to in Article 25 and make recommendations to the Council;

(i) perform such other functions as the Council may determine.

ARTICLE 10 THE COORDINATING UNIT

1. The Coordinating Unit shall be the administrative headquarters of the Agency and it shall be located in such place as the Council shall decide.

2. The Coordinator shall be the Chief Administrative Officer of the Agency and shall act in that capacity at all meetings of the Council.

3. The appointment of the Coordinator shall be for a term not exceeding five years and he may be re-appointed.

4. The Coordinator shall make an annual report to the Council on the work of the Agency.

5. The Coordinator shall appoint the staff of Unit. In particular, he shall appoint a Deputy Disaster Emergency Response Coordinator (hereinafter referred to as "the Deputy Coordinator") who shall be appointed from among persons with experience of, and shown capacity in, matters relating to emergency relief operations, social welfare or administration. The Deputy Coordinator shall serve for a period not exceeding two years and he may be re-appointed.

6. The paramount consideration in the recruitment and appointment of staff in the Coordinating Unit and in the determination of their conditions of service shall be the need to ensure the highest standards of competence, efficiency and integrity. Subject to this consideration, due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible.

7. In the performance of their duties the Coordinator and his staff shall not seek or receive instructions from the Government of any Participating State or from any source external to the Agency. They shall refrain from any action which may reflect adversely on their positions as international officials responsible only to the Agency.

8. Participating States undertake to respect the international

character of the responsibilities of the Coordinator and his staff and not seek to influence them in the discharge of their duties.

9. Subject to the approval of the Board of Directors, the Coordinator shall establish the terms and conditions of service of the staff of the Coordinating Unit.

ARTICLE 11 FUNCTIONS OF THE COORDINATING UNIT

In addition to any other functions which may be allocated to it by the Council or the Board of Directors, the Coordinating Unit shall:

(a) develop and maintain a reliable damage assessment system and procedures to facilitate rapid and effective evaluation of national disasters;

(b) develop and maintain a comprehensive and reliable data base of key relevant resources (persons, facilities, equipment supplies) and a system for updating it.

(c) establish, equip and maintain an emergency operations system capable of handling emergency telecommunications and facilitating coordination of emergency responses involving many services, supplies and facilities;

(d) establish and maintain an efficient and reliable system of communications with sub-regional operational focal points in order to facilitate the mobilisation, deployment and coordination of disaster response supplies and services;

(e) establish arrangements with regional airlines and shipping lines in order to ensure access to their facilities on a priority basis in the event of a disaster;

(f) establish arrangements with regional media houses designed to ensure the dissemination of reliable information on national disasters to the public;

(g) establish arrangements with CARICOM Committees of Ambassadors in various metropolitan centres in order to ensure the dissemination to them of reliable information on national disasters in Member States and to enlist their cooperation in

mobilising disaster relief resources on a timely and structured basis;

(h) establish and maintain a reliable system of communications with the heads of national relief organisations and ensure that their disaster response capabilities are maintained at agreed levels of operational efficiency;

(i) establish and maintain relations with international relief organisations in order to facilitate accessing of their resources in the event of a disaster;

(j) mobilise and organise technical assistance from interested national and international bodies to assist in the development of disaster response capabilities of Participating States;

(k) provide a clearing house for relevant information and intelligence in all matters relating to disasters including current research being undertaken in all related regional institutions;

(l) on the basis of a distress call or on such other basis as may be agreed and in consultation with, Sub-Regional Disaster Response Operational Units, trigger the mechanism;

(m) provide assistance on request to the heads of national relief organisations in the event of a disaster;

(n) liaise with the disciplined forces of the sending States both in the planning and response stage of any operation mounted after the activation of the triggering mechanism;

(o) review periodically disaster response capabilities of Participating States and ensure that resources identified for the purpose are immediately available in the event of disasters in Participating States;

(p) prepare the administrative and emergency budgets of the Agency for submission to the Board of Directors.

ARTICLE 12 SUB-REGIONAL DISASTER EMERGENCY RESPONSE OPERATIONAL UNITS

1. Where, pursuant to paragraph (d) of Article 7, the Council

has designated Sub-Regional Disaster Emergency Response Operational Units, such bodies shall:

(a) acquire and maintain on an updated basis comprehensive information on the facilities and services available in each of the Participating States for which they bear responsibility;

(b) maintain and test on a regular basis communications with the Coordinating Unit and with critical response agencies under the control of national relief organisations;

(c) maintain independent fuel and power supplies and ensure that relevant physical facilities are in a condition to withstand a major disaster;

(d) keep and maintain at the operational focal point in serviceable and optimal working condition an equipment package containing essential items determined by the Board of Directors, subject to the approval of the Council.

2. In making a designation referred to in paragraph 1 of this Article, the Council shall identify the States for which the Sub-Regional Disaster Response Operational Unit concerned shall have responsibility.

ARTICLE 13 UNDERTAKING OF PARTICIPATING STATES

Without prejudice to the requirement to discharge any other obligations assumed under or in connection with this Agreement, Participating States undertake:

(a) to establish or maintain, as the case may be, national relief organisations capable of responding swiftly, effectively and in a coordinated manner to disasters in Participating States;

(b) to establish emergency disaster planning groups and define national policies and priorities in the event of disasters;

(c) provide national relief organisations with adequate support including named emergency coordinators, liaison officers with key Ministries, emergency services, utilities and the like;

(d) to task the named agencies (including the emergency

services, Health and Public Works) and their coordinators with specific functions and responsibilities to ensure the development of an adequate response capability to support national disaster action;

(e) to define the role and functions of key agencies such as the Security Services, Health and Public Works in disaster emergency response management and establish a system for regular review of their procedures for coordinated response;

(f) establish and equip a suitable emergency operations centre capable of handling emergency telecommunications and coordinating emergency responses involving many services;

(g) develop and maintain an emergency telecommunications system based on the most appropriate technology to ensure the coordination of emergency operations involving the emergency services mentioned above as well as voluntary private sector services;

(h) establish and strengthen procedures for coping with major disaster threats and scenarios and review systems for testing the procedures by drills and simulations;

(i) to review and rationalise legal arrangements for disaster mitigation and emergency action;

(j) to review and catalogue past disaster events and list credible future emergency event scenarios and identify and map areas with special problems like flood prone and landslide prone areas;

(k) to establish data bases of key resources, both human and material, and a system for keeping them current and to computerise and integrate them into an automated emergency information system;

(l) to develop, in collaboration with competent governmental agencies, an emergency shelter policy and programme involving the full participation of local officials in community-based organisations;

(m) to develop and review a system for community participation, local mobilisation and counter disaster action in the event of isolation;

(n) to develop strategies for loss reduction in the public and private sectors focussing on vital economic activities and life-line activities like water supply;

(o) to develop a system and procedures for damage assessment in order to facilitate rapid and effective post impact evaluation;

(p) to develop and implement a comprehensive disaster public awareness, information and education programme involving media houses, schools, voluntary agencies, and other institutions in order to ensure public participation and community involvement in the disaster management system;

(q) develop and implement appropriate training programmes for persons involved in the disaster management system;

(r) identify and seek participation in bilateral and multilateral technical cooperation programmes designed to develop disaster management capabilities;

(s) to identify, maintain in a state of readiness and make available immediately on request by the Coordinator relevant material and human resources in the event of disaster.

ARTICLE 14 RELATIONS WITH GOVERNMENTAL AND NON-GOVERNMENTAL INSTITUTIONS

1. The Agency may conclude agreements with Governmental, Inter-Governmental and non-Governmental organisations or agencies in order to achieve the objectives of the Agency.

2. Unless the Council decides otherwise, the Coordinator may negotiate and conclude such Agreements on behalf of the Agency.

ARTICLE 15 DISCIPLINED FORCES

1. Where, in response to a request for assistance by any Participating State, members of the disciplined forces are despatched to any part of the territory of the requesting State,

the Coordinator shall, subject to the express prior agreement of the competent authorities of the requesting State, designate a Special Coordinator from among the senior officers of such forces, acting after consultation with the Chiefs of Staff or Commanding Officers of the disciplined forces concerned.

2. The Special Coordinator shall be charged with responsibility for coordinating the disaster relief efforts of the disciplined forces despatched to the Participating State concerned for the purpose.

3. No member of the disciplined forces shall be despatched to the territory of an affected Participating State without the express prior consent of that State.

4. In the absence of a contrary agreement between the requesting State and the sending State to that effect, members of the disciplined forces of the sending State shall be under the control and disciplinary authority of their commanding officer.

ARTICLE 16 DIRECTION AND CONTROL OF ASSISTANCE

1. Subject to paragraph 2 of this Article, the overall direction, control, coordination and supervision of assistance despatched to a requesting State shall be the responsibility within its territory of the requesting State.

2. Where the assistance from a sending State involves personnel other than disciplined forces, the sending State shall designate in consultation with the requesting State the person who should be in charge of, retain immediate operational supervision over the personnel, equipment and supplies provided by it. The person so designated shall exercise such supervision in cooperation with the competent authorities of the requesting State.

3. The requesting State shall provide to the extent of its capabilities local facilities and services for proper and efficient administration of communications assistance. In particular, the requesting State shall ensure that any ground stations brought into its territory for the purpose of rendering assistance shall be duly licensed to transmit and receive information in

accordance with its domestic laws and regulations.

4. In the absence of a contrary agreement, ownership or equipment and materials despatched to the requesting State by a sending State during periods of assistance shall be unaffected and their prompt return shall be ensured.

5. The requesting State shall ensure the protection of personnel, equipment and materials brought into its territory for the purpose of rendering assistance in the event of a disaster.

ARTICLE 17 COMPETENT AUTHORITIES AND CONTACT POINTS

1. In the absence of a contrary indication from Participating States the competent authority and contact point to make requests for and accept offers of assistance in the event of a disaster shall be the head of the national relief organisation.

2. Contact points and a focal point within the Coordinating Unit shall be made available continuously.

3. The Coordinating Unit shall regularly and expeditiously provide Participating States and relevant international organisations with the information referred to in paragraphs 1 and 2 of this Article.

ARTICLE 18 CONFIDENTIALITY AND PUBLIC STATEMENTS

1. Participating States shall respect the confidentiality of any confidential information becoming available to them in connection with assistance requested in the event of a disaster. Such information shall be used exclusively for the purpose of the assistance agreed upon.

2. The sending State shall use its best endeavours to coordinate with the requesting State before releasing information to the public on the assistance provided in connection with a disaster.

ARTICLE 19 COSTS OF PROVIDING ASSISTANCE

Except as may otherwise be agreed between them, the expenses incurred by a sending State in providing assistance to a requesting State shall be defrayed by the sending State.

ARTICLE 20 TERMINATION OF ASSISTANCE

1. The Coordinator shall, subject to paragraph 2 of this Article, in consultation with the requesting State, determine the period of response to a disaster.
2. The requesting or sending State may, at any time, after appropriate consultation and by notification in writing request the termination of assistance provided or received under this Agreement.
3. Upon a request being made in that behalf, the parties concerned shall consult with each other to make arrangements for the termination of the assistance.

ARTICLE 21 PRIVILEGES, IMMUNITIES AND FACILITIES TO BE ACCORDED A SENDING STATE AND ITS PERSONNEL

1. The requesting State shall accord to personnel of the sending State and personnel acting on its behalf the necessary privileges, immunities and facilities for the performance of their functions in rendering assistance.
2. Subject to prior notification by the sending State and acceptance by the requesting State of the personnel of the sending State or personnel acting on its behalf, the requesting State shall:
 - (a) grant to such personnel immunity from arrest, detention and legal process including criminal, civil and administrative jurisdiction of the requesting State, in respect of acts or

omissions in the performance of their functions in rendering assistance;

(b) grant to such personnel exemption from taxes, duties or other charges, in respect of the performance of their functions in rendering assistance, as is accorded to diplomatic personnel in accordance with international law;

(c) facilitate the entry into, stay in and departure from its territory of personnel so notified and accepted.

3. The requesting State shall:

(a) accord the sending State exemption from taxes, duties or other charges on equipment and property brought into the territory of the requesting State by the sending State for the purpose of rendering assistance;

(b) confer immunity from seizure, attachment or requisition of such equipment and property and ensure their return to the sending State;

4. Nothing in this Article shall require the requesting State to accord its nationals or permanent residents the privileges and immunities provided for in paragraph 2(b) of this Article.

5. All persons enjoying privileges and immunities under this Article have a duty to respect the law and regulations of the requesting State and shall not interfere in the domestic affairs of the requesting state.

ARTICLE 22 TRANSIT OF PERSONNEL, EQUIPMENT AND PROPERTY

Participating States shall, at the request of the requesting State or the sending State, take all measures necessary to facilitate the transit through their territory of duly notified personnel, equipment and property involved in rendering assistance to and from the requesting State.

ARTICLE 23 CLAIMS AND COMPENSATION

1. Participating States shall cooperate in order to facilitate the settlement of legal proceedings and claims under this Article.

2. In the absence of a contrary agreement, the requesting State shall, in respect of death or injury to persons, damage to or loss of property, or damage to the environment caused within its territory or under its control or jurisdiction in the course of providing the assistance requested:

(a) not bring any legal proceedings against the sending State or persons or other legal entities acting on its behalf;

(b) assume responsibility for dealing with legal proceedings and claims brought by third parties against the sending State or against persons or other legal entities acting on its behalf except in cases of wilful misconduct or gross negligence;

(c) hold the sending State or persons or other legal entities acting on its behalf harmless in respect of legal proceedings referred to in sub-paragraph (b) hereof;

(d) compensate the sending State or persons or other legal entities acting on its behalf for death or injury to personnel of the sending State or persons or other legal entities acting on its behalf and for loss of or damage to non-consumable equipment or materials related to the assistance except in cases of wilful misconduct or gross negligence by individuals causing the death, injury or loss or damage.

3. Nothing in this Article shall be construed to prevent compensation or indemnity available under any applicable international agreement or national law of a Participating State nor to require the requesting State to apply paragraph 2 of this Article, in whole or in part, to its nationals or permanent residents.

ARTICLE 24 THE ADMINISTRATIVE BUDGET

1. The Agency shall establish an administrative budget, the funds of which shall be used to defray the ordinary expenses incurred in administering its affairs.

2. Participating States shall contribute to the administrative budget in accordance with a scale of assessment to be determined by the Board of Directors and approved by the Council.
3. The administrative budget shall be established on a biennial basis and the Coordinator shall cause the accounts of the Agency to be audited annually by external auditors approved by the Board of Directors.
4. The report of the auditors shall be presented by the Coordinator to the Board of Directors as soon as practicable for the consideration and approval of the Board.
5. The Coordinator, with the approval of the Board of Directors, shall establish financial regulations for the Agency.

ARTICLE 25 EMERGENCY ASSISTANCE FUND

1. The Agency shall establish an Emergency Assistance Fund (hereinafter in this Article referred to as "the Fund") which shall be used solely to defray expenses incurred in connection with the rendering of assistance in the event of a disaster occurring in a Participating State.
2. Participating States shall contribute to the Fund in accordance with a scale of assessment to be determined by the Board of Directors and approved by the Council.
3. The Coordinator may accept contributions to the Fund from sources external to the Agency on such conditions as may be prescribed by them and agreed by the Board of Directors but without discrimination as to the Participating States to receive such assistance.
4. The Coordinator shall cause the accounts of the Fund to be audited annually by the auditors referred to in paragraph 3 of Article 24.
5. Paragraph 4 of Article 24 shall apply for the purposes of the Fund.

ARTICLE 26 PRIVILEGES AND IMMUNITIES OF THE AGENCY

1. The Agency shall have international legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its objectives.
2. The Agency, its property and assets shall enjoy in the territories of the Participating States immunity from legal process except to the extent that the Agency waives this immunity expressly in any particular case.
3. The property and assets of the Agency in Participating States wherever located and by whomsoever held shall be immune from search, requisition, confiscation, appropriation or any other form of seizure by executive or legislative action.
4. The property and assets of the Agency shall be exempt from restrictions, regulations, controls and moratoria of any kind.
5. The archives of the Agency, wherever located, shall be inviolable. Proprietary data, confidential information and personnel records shall not be placed in archives open to public inspection.
6. In respect of its official communications the Agency shall be accorded by each Participating State treatment no less favourable than that accorded by that State to other international organisations.

ARTICLE 27 REPRESENTATIVES AND STAFF OF THE AGENCY

Representatives of Participating States attending meetings of the Council of the Board of Directors and the Coordinator and other staff of the Unit shall enjoy in the territory of each Participating State:

- (a) immunity from legal process with respect to acts performed by them in the exercise of their functions, except to the extent that the State which they represent or the Agency as appropriate expressly waives this immunity in any particular case;

(b) where they are not nationals of that Participating State, the same exemptions from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities as are accorded by that Participating State to the representatives, officials and employees of comparable rank of other Participating States.

ARTICLE 28 EXEMPTIONS FROM TAXES AND CUSTOMS DUTIES

1. The Agency, its assets and property, its income, and its operations and transactions within the contemplation of this Agreement, shall be exempt from all direct taxation and goods imported or exported for its official use shall be exempt from all customs duties. The Agency shall not claim exemption from taxes which are no more than charges for services rendered.

2. Where purchases of goods or services of substantial value necessary for the official activities of the Agency are made by or behalf of the Agency, and where the price of such goods or services includes taxes or duties, appropriate measures shall, to the extent practicable, be taken by Participating States to grant exemptions from such taxes or duties or provide for their reimbursement.

3. Goods imported or purchased under an exemption provided for in this Article shall not be sold or otherwise disposed of in the territory of the Participating State granting the exemptions, except under conditions agreed with that Participating Member State.

4. No tax shall be levied by Participating States or in respect of salaries and other emoluments paid or any other form of payment made by the Agency to the Coordinator and staff of the Agency as well as experts performing missions for the Agency, not being their nationals.

ARTICLE 29 SUSPENSION OF RIGHTS AND PRIVILEGES OF MEMBERSHIP

1. A Participating State which is in arrears in the payment of its financial contribution to the administrative budget of the Agency shall have no vote in the Council or the Board of Directors if the amount of the arrears equals or exceeds the amount of the contributions due from it for the preceding two financial years.

2. A Participating State which has grossly and persistently violated the obligations assumed under this Agreement may be suspended from the exercise of the rights and privileges of membership by the Council.

3. A determination within the meaning of paragraph 2 of this Article shall be made by the Council.

ARTICLE 30 SETTLEMENT OF DISPUTES

In the absence of a contrary agreement between the parties concerned, all disputes arising from or in connection with the interpretation or application of this Agreement shall be settled by the Council.

ARTICLE 31 SIGNATURE AND RATIFICATION

The Agreement shall be open for signature by the States listed in the Annex to this Agreement and shall be subject to ratification in accordance with their respective constitutional procedures.

ARTICLE 32 ENTRY INTO FORCE

1. This Agreement shall enter into force when Instruments of Ratification have been deposited by at least seven of the States listed in the Annex to this Agreement including Barbados, Jamaica and Trinidad and Tobago.

2. Any other Caribbean State not listed in the Annex to this Agreement may apply to become a member of the Agency.

Applications for membership shall be submitted to the Coordinating Unit. Admission to membership of the Agency shall be determined by the Council on the recommendation of the Board of Directors.

3. A State admitted to membership in accordance with paragraph 2 of this Article shall deposit an appropriate Instrument of Accession with the CARICOM Secretariat before becoming entitled to enjoy the privileges of membership of the Agency.

ARTICLE 33 DEPOSITARY

1. The original of this Agreement and any amendments thereto shall be deposited with the CARICOM Secretariat.

2. The Secretary-General of CARICOM shall notify the Coordinating Unit of the Agency of the deposit of Instruments of Ratification or Accession, as the case may be.

ARTICLE 34 AMENDMENTS

1. Any Participating State may propose amendments to this Agreement.

2. Any proposal for an amendment to this Agreement shall be submitted to the Coordinating Unit which shall transmit it to the Board of Directors with its comments.

3. The Board of Directors shall consider the proposal together with the comments of the Coordinating Unit and make a recommendation to the Council.

4. The Council shall consider the proposal for amendment and may adopt it with such modifications as it deems necessary.

5. Amendments shall enter into force when ratified by all Participating States.

ARTICLE 35 WITHDRAWAL

1. Any Participating State may denounce this Agreement and withdraw from the Agency.

2. Any Participating State wishing to withdraw from the Agency shall give to the Coordinating Unit twelve months' notice of its intention to do so and the Coordinator shall immediately notify the other Participating States.

3. The notice mentioned in paragraph 2 of this Article may be withdrawn at any time prior to the date on which withdrawal is to take effect.

4. A Participating State withdrawing from the Agency shall honour any financial obligations duly assumed by it during the period of its membership.

ARTICLE 36 PROVISIONAL APPLICATION

1. Seven or more of the Participating States listed in the Annex to this Agreement including Barbados, Jamaica and Trinidad and Tobago, may, upon signature, or at any later date before this Agreement enters into force, declare their intention to apply it provisionally.

2. Upon any such declaration, the Secretary-General of CARICOM shall convene an inaugural meeting of the Council.

ANNEX

Antigua and Barbuda

The Bahamas

Barbados

Belize

British Virgin Islands

Dominica

Grenada

Guyana

Jamaica

Montserrat

St. Kitts and Nevis

Saint Lucia

St. Vincent and the Grenadines

Trinidad and Tobago