
THE GOVERNMENT OF GUYANA and the Council of the Caribbean Free Trade Association

HAVING REGARD TO paragraph 2 of Article 37, of the Agreement establishing the Caribbean Free Trade Association which provides that the Council acting on behalf of the Association, may conclude with the Government of the Territory in which the Headquarters will be situated an agreement relating to the legal capacity and the privileges and immunities to be recognized and granted in connection with the Association;

RECALLING the decision of the Fourth Conference of the Heads of Government of Commonwealth Caribbean Countries held in Barbados, to situate the Headquarters of the Caribbean Free Trade Association at Georgetown, Guyana.

DESIRING to conclude an Agreement pursuant to the said paragraph 2 of Article 37 have agreed as follows:

ARTICLE 1
Definitions

In this Agreement:

(a) “Archives of the Association” means the records, correspondence, documents, manuscripts, photographs, slides, films and sound recordings belonging to or held by the Association;

(b) “the Association” means the Caribbean Free Trade Association;

(c) “Competent Authorities” means national or other authorities of Guyana as may be appropriate in the context according to the laws of Guyana;

(d) “the Government” means the Government of Guyana;

(e) “Headquarters of the Association” means the premises occupied by the Commonwealth Caribbean Regional Secretariat;

(f) “Official of the Association” means any member of the staff of the Association stationed in Guyana;

(g) “Property” as used in Articles IV and V means all property including funds and assets belonging to or held or administered by the Association, and in general, all income accruing to the Association;

(h) “Secretary-General” means the Secretary-General of the Commonwealth Caribbean
ARTICLE II
Immunity from Legal Process

1. The Association shall possess full juridical personality in Guyana.

2. The Association shall have the independence and freedom of action belonging to an international organization.

3. (a) The Headquarters of the Association shall be inviolable and shall be under the control and administration of the Association as provided in this Agreement;

(b) Without prejudice to the provisions of Article VII, the Association undertakes not to permit its Headquarters to be used as a refuge for fugitives from justice, or persons avoiding legal process or a judicial proceedings.

ARTICLE III
Communications

4. The Association shall enjoy, in respect of its official communications, treatment not less favourable than that accorded by the Government to any other Government or International Organization including foreign diplomatic missions in Guyana.

5. No censorship shall be applied to the official correspondence or other communications of the Association. Such immunity shall extend to printed matter, photographs, slides, films and sound recordings, this list being subject to amplification. The Association shall have the right to use codes and to dispatch and receive correspondence either by courier or in sealed pouches, which shall have the same immunities and privileges as diplomatic couriers and pouches. Nothing in this section shall be construed as precluding the adoption after consultation with the Association of appropriate security measures in the interest of the State of Guyana.

ARTICLE IV
Property and Taxation

6. The Association and its property, wherever located and by whomsoever held, shall enjoy immunity from legal process except insofar as the Association may have expressly waived its immunity in specific cases. It is however, understood that no waiver of immunity shall extend to any measure of execution.

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

8. The archives of the Association and in general, all documents belonging to or held by the Association shall be inviolable.
9. The Property of the Association shall be exempt from -

(a) any form of direct taxation; it is understood however, that the Association will not claim exemption from taxes which are, in fact no more than charges for public utility services;

(b) customs duties and from prohibition and restrictions on imports in respect of articles imported or exported by the Association for its official use, on the understanding, however, that articles imported under such exemption shall not be sold within Guyana except under conditions agreed between the Government and the Association;

(c) customs duties, other levies and other prohibitions and restrictions in respect of the import, sale and export of its publications.

ARTICLE V
Financial and Exchange Facilities

10. The Association shall not be subject to any financial controls, regulations or moratoria and shall be entitled -

(i) to purchase from authorized commercial agencies, hold and make use of negotiable currencies; to operate foreign currency accounts; and to purchase through authorized institutions, hold and make use of funds and securities;

(ii) to transfer its funds, securities and foreign currencies to or from Guyana or within Guyana itself and to convert any currency held by it into any other currency;

(iii) in exercising its rights under this section, the Association shall pay due regard to any representations made by the Government, and shall give effect to such representations so far as this is possible without detriment to the interests of the Association.

ARTICLE VI
Transit and Residence

11. (a) The competent authorities shall not impede the transit to or from the Headquarters of the following persons:

(i) Members of the Council of the Association;

(ii) Officials of the Association and Members of their families forming part of their households;

(iii) Persons, other than officials of the Association performing missions for the
Association, and members of their families forming part of their households;

(iv) Other persons invited to the Headquarters on official business.

(b) The Secretary-General shall communicate to the Government the names of the persons mentioned in paragraph (a) of this section;

(c) This section shall not apply in the event of a general interruption of transport and shall not impede the enforcement of the law;

(d) Visas required by the persons referred to in this section shall be granted free of charge;

(e) This section does not imply exemption from the obligation to produce evidence to establish that persons claiming the rights granted under this section are included in the categories specified in paragraph (a) nor from the application of quarantine and health regulations.

**ARTICLE VII**

**Privileges and Immunities**

12. Within Guyana, Officials of the Association shall enjoy in connection with their official duties with the Association the following privileges and immunities:

(a) Immunity from personal arrest and detention; provided that the immunity conferred by this paragraph shall not apply to officials of the Association who are citizens of Guyana;

(b) Immunity from seizure of their personal and official baggage;

(c) Immunity from legal process of any kind in respect of words spoken or written and of all acts performed by them in their official capacity; such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the Associations;

(d) Exemption from any form of direct taxation on salaries, remunerations and allowances paid by the Association;

(e) Exemption for officials other than citizens of Guyana from any form of direct taxation on income derived from sources outside Guyana;

(f) Exemption in respect of themselves and members of their families forming part of their households from registration as aliens and immigration restrictions;

(g) Freedom for officials other than citizens of Guyana, to maintain, within Guyana or elsewhere, foreign securities, foreign currency accounts and movable and immovable
property; and at the termination of their appointment with the Association the right to take out of Guyana, without restriction, their funds in the same currencies and up to the same amounts as they brought into Guyana through authorized channels;

(h) The same repatriation facilities and the same right to protection by the Guyana authorities in respect of themselves, their families and dependents as are accorded to members of diplomatic missions, in times of international crises;

(i) Senior officials of the Association as designated by the Secretary-General and approved by the Government shall enjoy exemption from the payment of customs duties on imports in respect of articles imported for their official or personal use.

13. Officials of the Association shall be provided with identity cards certifying that they are officials of the Association enjoying the privileges and immunities under this Agreement.

14. (a) The privileges and immunities accorded by this Agreement are granted in the interests of the Association and not for the personal benefit of the individual themselves. The Secretary-General may waive the immunity of any official in any case where, in his opinion, such immunity impedes the course of justice and can be waived without prejudice to the interests of the Association.

(b) The Association and its officials shall cooperate at all times with the competent authorities to facilitate the proper administration of justice, ensure the observance of police regulations and prevent the occurrence of any abuses in the exercise of the privileges and immunities specified in this Agreement.

ARTICLE VIII
Persons other than Officials of the Association

15. Persons who, without being officials of the Association, are members of missions for the Association or are invited by the Association to its Headquarters for official purposes, shall enjoy the privileges and immunities specified in Article VII, Section 12.

ARTICLE IX
Laissez-passer

16. The Government shall recognize and accept as a valid travel document equivalent to a passport the Laissez-passer of the Association issued to Officials of the Association.

ARTICLE X
Administrative and Financial Obligations of the Association and of the Government to be negotiated

17. Arrangements between the Association with the Government relating to the provision by the Government of premises for the Secretariat of the Association and the services connected
therewith shall be agreed by an exchange of letters between the Secretary-General acting on behalf of the Association, and the Government.

**ARTICLE XI**

**General Provisions**

18. (a) The Secretary-General shall take every precaution to prevent any abuse in the exercise of the privileges or immunities conferred by virtue of this Agreement and for this purpose shall establish such rules and regulations as may seem necessary and expedient for officials and members of the staff of the Association.

(b) If the Government consider that an abuse has occurred in the exercise of any privilege or immunity conferred by virtue of this Agreement, the Secretary-General shall, at the request of the Government, consult with the competent authorities of Guyana to determine whether such an abuse has been committed. If such consultations fail to achieve results satisfactory to the Secretary-General and the Government, this shall be settled in accordance with the procedure laid down in Article XII

**ARTICLE XII**

**Supplementary Agreements and Settlement of Disputes**

19. Any difference between the Government and the Association arising out of the interpretation or application of this Agreement or any supplementary agreement, or any question connected with the Headquarters or with relations between the Association and the Government, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators: one to be appointed by the Government, one to be appointed by the Association, and the third, who shall be chairman of the tribunal, to be chosen by the first two arbitrators. If the first two arbitrators fail to agree upon the third, the Government and the Association shall request the Chief Justice of the West Indies Associated States Supreme Court to choose the third Arbitrator.

A majority vote of the arbitrators shall be sufficient to reach a decision which shall be final and binding. The third arbitrator shall be empowered to settle all questions of procedure in any case where there is disagreement with respect thereto.

**ARTICLE XII**

**Final Provisions**

20. (a) The present Agreement shall enter into force immediately upon signature;

(b) Consultations with respect to amendment of this Agreement may be entered into at the request of either Party;
(c) This Agreement shall be interpreted in the light of its primary purpose, which is to enable the Association to discharge its responsibilities fully and efficiently and to attain its objectives;

(d) Wherever this Agreement lays obligations on the competent authorities of Guyana, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government;

(e) Nothing in this Agreement shall be construed to preclude the adoption of appropriate measures for the security of the State of Guyana as may be determined by the Government in consultation with the Association;

(f) This Agreement and any supplementary Agreement entered into between the Government and the Association within the scope of its provisions shall cease to have effect six (6) months after either of the two Contracting Parties shall have given notice in writing to the other of its decision to terminate the Agreement, except as regards the provisions applicable to the normal cessation of the activities of the Association in Guyana and the disposal of its property in Guyana.

IN WITNESS WHEREOF, the duly authorized respective representatives of the Government and CARIFTA have signed this Agreement in duplicate.

Done at Georgetown, Guyana this 25th day of November 1970, in the English Language.

FOR THE GOVERNMENT OF GUYANA

Shridath S. Ramphal

FOR THE ASSOCIATION

William G. Demas

PROTOCOL ON THE LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES OF THE CARIBBEAN FREE TRADE ASSOCIATION

The Governments of the Member Territories of the Caribbean Free Trade Association;

Considering that paragraph 1 of Article 37 of the Agreement establishing the Caribbean Free Trade Association requires that the legal capacity, privileges and immunities to be recognized and granted by the Member Territories in connection with the Association shall be laid down in a Protocol to the Agreement:

The Governments of the Member Territories of the Caribbean Free Trade Association;
Have agreed as follows:-

PART 1
The Association

Article 1

The Caribbean Free Trade Association, hereinafter referred to as “the Association” shall possess juridical personality. It shall have in particular the capacity to contract, to acquire and dispose of movable and immovable property, and to institute legal proceedings.

Article 2

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

Article 4

The archives of the Association and all 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 Association may hold funds, gold or currency of any kind and operate accounts in any currency;
   (b) the Association 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 Association shall pay due regard to any representations made by any Member Territory party to this Protocol and shall give effect to such representations insofar as it is considered possible to do so without detriment to the interests of the Association.

Article 6
The Association, its assets, income and other property shall be exempt from -

(a) all direct taxes. The Association shall not, however, claim exemption from rates, taxes or dues which are in fact charges for public utility services;

(b) Customs duties and prohibitions and restrictions on imports and exports in respect to articles directly imported or exported by the Association for its official use. Articles imported under such exemption shall not be sold in the territory of the Member Territory into which they were imported except under conditions agreed with the Government of that Member Territory;

(c) Customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Article 7

1. The Association shall enjoy in the territory of each Member Territory party to this Protocol, for its official communication, treatment not less favourable than that accorded by the Government of that Member Territory to any other government, including the latter’s diploma mission, in the matter of priorities, rates and taxes for posts and telecommunications and press rates for information to the press and radio.

2. No censorship shall be applied to the official correspondence and other official communications of the Association.

3. The Association shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which 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 precautions to be determined by agreement between a Member Territory party to this Protocol and the Association.

PART II

Representatives

Article 8

1. Any representative of a Member Territory party to this Protocol on any organ of the Association shall, while present in the territory of another such Member Territory for the discharge of his duties, enjoy -

(a) the same immunity from personal arrest and detention and from seizure of his
personal baggage, and the same inviolability for all papers and documents as is accorded to a diplomatic envoy 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 this family forming part of his household from immigration restrictions, aliens registration and national service obligations;

(d) the same facilities in respect of currency or exchange restrictions and in respect of his personal 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 envoy in accordance with international law. This immunity shall continue notwithstanding that the person concerned has ceased to be a representative.

**Article 9**

Privileges and immunities are accorded to representatives of Member Territories parties to this Protocol not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions in connection with the Association. Consequently, a Member Territory party to this Protocol, not only has the right, but is under a duty, to waive the immunity of its representatives in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the purposes for which the immunity was granted.

**Article 10**

The provisions of Article 8 above shall not require any Member Territory party to this Protocol to grant any of the privileges referred to therein to any person who is its national or to any person as its representative.

**Article 11**

For the purposes of Articles 8, 9 and 10 above the expression “representatives” shall be deemed to include all alternates, advisers, technical experts and secretaries of the delegations.

**PART III**

**Officials of the Association and Experts on Missions**

**Article 12**
1. The Council of the Association shall specify the classes of officials to whom Article 13 applies and shall inform all Member Territories 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 Territories.

**Article 13**

Officials of the Association of the specified classes shall enjoy -

(a) immunity from legal process in respect of words spoken, of written and all acts done by them in the course of the performance of official duties. The immunity shall continue notwithstanding that the person concerned has ceased to be an official of the Association;

(b) exemption from taxation on salaries and emoluments received as officials of the Association;

(c) exemption for themselves and their spouses, and for members of their immediate families residing with and dependent on them, from immigration restrictions and alien registration;

(d) the same facilities in respect of currency and exchange restrictions as are accorded to members of diplomatic missions of comparable rank;

(e) the same repatriation facilities in time of international crisis for themselves and their spouses, and for members of their immediate families residing with and dependent on them, as members of diplomatic missions of comparable rank;

(f) the right to import free of duty their furniture and effects at the time of first taking up their post in the territory of a Member Territory party to this Protocol.

**Article 14**

In addition to the privileges and immunities specified in Article 13 above, the Head of the Secretariat of the Association shall be accorded in respect of himself, his spouse and minor children the privileges and immunities normally accorded to heads of diplomatic missions in accordance with international law.

**Article 15**

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

(a) the same immunity from personal arrest and detention 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 Association as is accorded to a diplomatic envoy in accordance with international law;

(b) the same facilities in respect of currency and exchange regulations and in respect of their personal baggage 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 envoy in accordance with international law. This immunity shall continue notwithstanding that the person concerned has ceased to be employed on a mission on behalf of the Association.

**Article 16**

Privileges and immunities are granted to officials and experts in the interests of the Association and not for the personal benefit of the individuals themselves. The Head of the Secretariat of the Association, acting on behalf of the Association, shall have the right, and is under a duty to waive the immunity of any official or expert in any case where, in his opinion, the immunity would impede the course of justice and could be waived without prejudice to the interests of the Association. In the case of the Head of the Secretariat of the Association, the Council shall have power to waive the immunity.

**Article 17**

The provisions of Articles 13, 14 and 15 above shall not require any Member Territory party to this Protocol to grant any of the privileges or immunities referred to therein to any person who is its national, except -

(a) immunity from legal process in respect of words spoken or written and all acts done by him in the course of the performance of official duties;

(b) facilities in respect of currency and exchange restrictions, so far as is necessary for the effective exercise of his functions;

(c) inviolability for all papers and documents relating to the work in which he is engaged for the Association;

(d) in the case of officials of the Association, coming within the scope of Articles 13 and 14, exemption from taxation on salaries and emoluments received as officials of the Association.

**PART IV**

**General**
**Article 18**

If any Member Territory party to this Protocol considers that there has been an abuse of a privilege or immunity conferred by this Protocol, consultations shall be held between that Member Territory and the Association to determine whether any such abuse has occurred, and, if so, to ensure that no repetition occurs. A Member Territory which considers that any person has abused any privilege or immunity granted to him under this Protocol may require him to leave its territory.

**Article 19**

This Protocol shall be ratified by Member Territories. The instruments of ratification shall be deposited with the Government of Antigua which shall notify all other Member Territories.

**Article 20**

Any State or Territory acceding to the Agreement establishing the Caribbean Free Trade Association in accordance with paragraph 1 of Article 32 thereof or entering into an association with the Member Territories of the Caribbean Free Trade Association in accordance with paragraph 2 of Article 32 may accede to this Protocol. The instrument of accession shall be deposited with the Government of Antigua which shall notify all Member Territories parties to this Protocol.

**Article 21**

This Protocol shall enter into force as soon as all Member Territories have deposited their instruments of ratification. It shall enter into force in respect of each Member Territory on the date of the deposit of the last instrument of ratification, and for each State or Territory acceding to this Protocol on the date of the deposit of its instrument of accession.

**IN WITNESS WHEREOF** the undersigned, duly authorized thereto, have signed the present Protocol.

Done in a single copy (in the English Language,) which shall be deposited with the Government of Antigua, by which certified copies shall be transmitted to all other Member Territories or acceding States.

Signed by **R. Lake**
for the Government of Antigua on 25th November, 1970
at Georgetown, Guyana

Signed by **G. Fergusson**
for the Government of Barbados on 25th November, 1970
at Georgetown, Guyana

Signed by **Ronald O.P. Amour**
for the Government of Dominica on 25th November, 1970
at Georgetown, Guyana
Signed by **Keith Alleyne**  
for the Government of Grenada on 25\textsuperscript{th} November, 1972  
at Georgetown, Guyana

Signed by **Shridath S. Ramphal**  
for the Government of Guyana on 25\textsuperscript{th} November, 1970  
at Georgetown, Guyana

Signed by **H.S. Walker**  
for the Government of Jamaica on 25\textsuperscript{th} November, 1970  
at Georgetown, Guyana

Signed by **P.A. Bramble**  
for the Government of Montserrat on 25\textsuperscript{th} November, 1971  
at Plymouth, Montserrat

Signed by **Robert L. Bradshaw**  
for the Government of Saint Christopher-Nevis-Anguilla on 25\textsuperscript{th} November, 1970  
at Georgetown, Guyana

Signed by **George Mallet**  
for the Government of Saint Lucia on 25\textsuperscript{th} November, 1970  
at Georgetown, Guyana

Signed by **J. Mitchell**  
for the Government of Saint Vincent on 25\textsuperscript{th} November, 1970  
at Georgetown, Guyana

Signed by **Kamaluddin Mohammed**  
for the Government of Trinidad and Tobago on 10\textsuperscript{th} March, 1971  
at Georgetown, Guyana