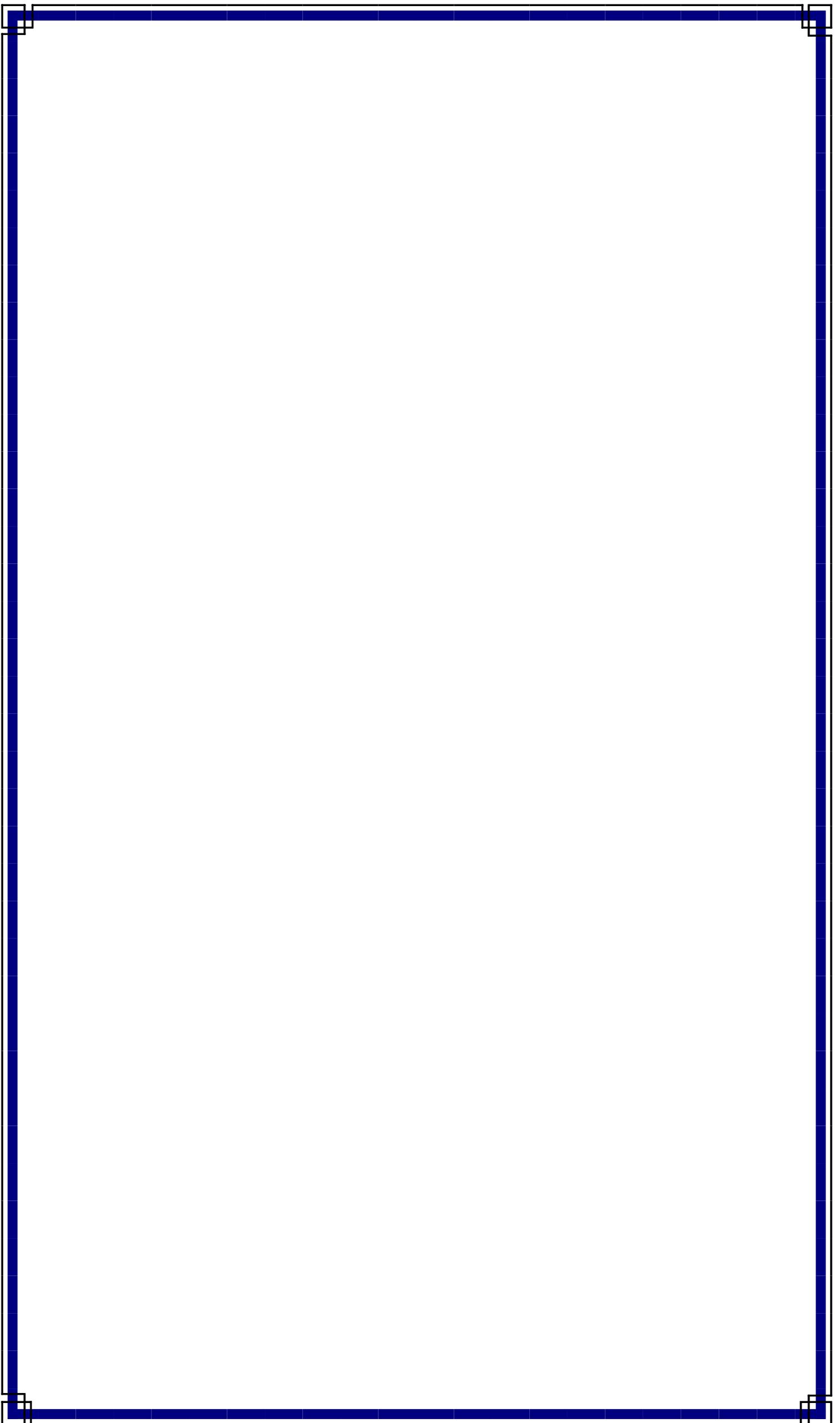




AGREEMENT

ESTABLISHING

**THE CARIBBEAN DISASTER EMERGENCY
MANAGEMENT AGENCY (CDEMA)**



AGREEMENT ESTABLISHING THE CARIBBEAN DISASTER EMERGENCY MANAGEMENT AGENCY (CDEMA)

THE STATES PARTIES:

CONSCIOUS that the fragile economies and ecosystems of States within the Caribbean Region are extremely vulnerable to natural and man-made disasters including hurricanes, earthquakes, tsunamis, volcanic eruptions, droughts, floods and landslides;

RECALLING that during recent decades a succession of natural disasters including hurricanes, earthquakes, floods, landslides and volcanic eruptions adversely affected many States within the Caribbean Region;

RECOGNIZING the work of the Caribbean Disaster Emergency Response Agency in disaster preparedness and response;

DESIROUS of establishing the Caribbean Disaster Emergency Management Agency to replace and advance the work of the Caribbean Disaster Emergency Response Agency to ensure the sustainable development of resilient communities within the Caribbean Region;

HAVE AGREED AS FOLLOWS:

ARTICLE I

Definitions

In this Agreement, unless the context otherwise requires –

“affected Participating State” means a State in the territory of which a disaster has occurred;

"CARICOM" means the Caribbean Community;

“CDEMA” means the Caribbean Disaster Emergency Management Agency established under Article II;

“CDERA” means the Caribbean Disaster Emergency Response Agency an Institution of the Community recognized under Article 21 of the Treaty;

“Coordinating Unit” means the administrative and operational organ of CDEMA;

“Council” means the Organ of CDEMA referred to in Article VI;

"disaster" means the exposure of the human habitat to the operation of the forces of nature or to human intervention resulting in widespread destruction of lives or property, but excludes events occasioned by war or military confrontation;

“disaster management” means the development and implementation of regional and national policies to prevent and mitigate the effects of disaster ;

“Executive Director” means the Executive Director of CDEMA appointed under Article VII;

“Fund” means the Emergency Assistance Fund established under Article XXVI;

“Management Committee of the Council or MCC” means the Committee established and appointed by the Council under Article VII;

"National Disaster Management Agency" means the government agency responsible for disaster management;

"Participating State" means a State Party to this Agreement;

“requesting State” means a Participating State which has made a request under this Agreement;

“sending State” means a Participating State which has responded to a request for assistance under this Agreement;

"State" includes a non-politically independent territory of the Caribbean

“TAC” means the Technical Advisory Committee referred to under Article X; and

“Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy (CSME) signed at Nassau, The Bahamas on the 5th day of July 2001.

ARTICLE II

ESTABLISHMENT OF CDEMA

The Caribbean Disaster Emergency Management Agency (CDEMA) is hereby established with the organs, membership, structure, and functions herein set forth.

ARTICLE III

LEGAL PERSONALITY

1. CDEMA 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. CDEMA and its staff shall enjoy all the usual rights, privileges and immunities of Agencies which have international legal personality.

ARTICLE IV

MEMBERSHIP

Membership of CDEMA shall be open to -

- (a) the States and territories listed in the Annex; and
- (b) other States within the Caribbean Region recommended for membership by the MCC under Article XXXIX.

ARTICLE V

OBJECTIVES

CDEMA shall have the following objectives –

- (a) mobilising and coordinating disaster relief;
- (b) mitigating or eliminating, as far as practicable, the immediate consequences of disasters in Participating States;
- (c) providing immediate and coordinated response by means of emergency disaster relief to any affected Participating State;
- (d) securing, coordinating and providing to interested inter-governmental and non-governmental organisations reliable and comprehensive information on disasters affecting any Participating State;
- (e) encouraging –
 - (i) the adoption of disaster loss reduction and mitigation policies and practices at the national and regional level;
 - (ii) cooperative arrangements and mechanisms to facilitate the development of a culture of disaster loss reduction; and
- (f) coordinating the establishment, enhancement and maintenance of adequate emergency disaster response capabilities among the Participating States.

ARTICLE VI

ORGANS OF CDEMA

CDEMA shall have the following Organs with the functions specified in this Agreement:

- (a) The Council;
- (b) The Technical Advisory Committee; and
- (c) The Coordinating Unit.

ARTICLE VII

THE COUNCIL

1. The Council shall consist of the Heads of Government of the Participating States.
2. Each member of the Council shall be entitled to nominate any other competent 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 Participating States.
4. The Chairperson and Deputy Chairperson shall be elected from among members of the Council.
5. The Chairperson shall preside over the meetings of the Council and the MCC.
6. The Chairperson and Deputy Chairperson shall serve for a period of one year and shall be eligible for re-election.
7. In the absence of the Chairperson, the Deputy Chairperson shall preside over meetings of the Council and the MCC.
8. In the absence of both the Chairperson and the Deputy Chairperson, the Members of the Council present may elect any member to act in the position of Chairperson.
9. The Council shall regulate its own procedure.

ARTICLE VIII

FUNCTIONS OF THE COUNCIL

The Council shall -

- (a) determine the policies of CDEMA;
- (b) receive and approve the annual budget and the contribution of the Participating States to CDEMA;
- (c) designate national disaster and disaster management organizations as Sub-Regional Disaster Emergency Operational Units with the prior consent of the Governments of the Participating States involved;
- (d) appoint the Executive Director on the recommendation of the MCC;
- (e) consider and make decisions based on the recommendations of the TAC;
- (f) perform any other function as it deems necessary or expedient to achieve the objectives of this Agreement.

ARTICLE IX

MANAGEMENT COMMITTEE OF THE COUNCIL

1. There shall be established a Management Committee of the Council whose members shall be appointed by the Council.
2. The membership of the MCC shall comprise -
 - (i) four persons, each representing one of the sub-regions of CDEMA, one of whom shall be Chairperson of the Council;
 - (ii) the Chairperson of the TAC; and
 - (iii) the executive Director.
3. The Terms of Reference of the MCC shall be determined by the Council.

ARTICLE X

THE TECHNICAL ADVISORY COMMITTEE

1. The Technical Advisory Committee shall consist of the national disaster coordinators of the Participating States.
2. Notwithstanding paragraph 1, persons may be selected by the TAC from regional institutions engaged in activities related to disaster management to participate in meetings of the TAC.
3. The Chairperson of the TAC shall be elected from amongst its members and shall not be elected to serve as Chairperson for more than two consecutive terms.
5. The Chairperson shall convene the meetings of the TAC which shall meet at least once in every calendar year and convene extraordinary meetings at the request of not less than one-half of its members.
6. The Executive Director shall be the Secretary of the TAC.
7. The TAC shall regulate its own procedure.

ARTICLE XI

FUNCTIONS OF THE TECHNICAL ADVISORY COMMITTEE

The TAC shall –

- (a) act in an advisory capacity to CDEMA on matters relating to strategies for resource mobilization, work programme review and programme development;
- (b) recommend standards and procedures for the fair and equitable deployment of resources for disaster management made available by Participating States;
- (c) recommend the standards and procedures for triggering the disaster response mechanism;

- (d) develop and recommend procedures for mobilising national resources to provide assistance in a timely and efficacious manner;
- (e) recommend guidelines for establishing systems for maintaining and sharing inventories of critical resources likely to be needed by Participating States in the event of a disaster;
- (f) make recommendations for the rapid access of financial resources to cover the cost of mobilisation in the event of disaster in a Participating State;
- (g) recommend protocols to facilitate the movement of resources originating in or transiting in a Participating State having regard to the requirements of immigration and customs authorities;
- (h) recommend and regularly review pro forma lists of the likely requirements of Participating States in the event of disasters;
- (i) advise CARICOM institutions and national institutions on matters relevant to its functions;
- (j) forward its recommendations to the Council for its consideration; and
- (k) perform such other functions as the Council may determine.

ARTICLE XII

THE HEADQUARTERS OF THE COORDINATING UNIT

The Coordinating Unit shall have its headquarters where the Council decides.

ARTICLE XIII

FUNCTIONS OF THE COORDINATING UNIT

1. In addition to any other functions which the Council may specify, 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 all relevant resources necessary to achieve the objectives of CDEMA and a system for updating the database;
 - (c) establish, equip and maintain a coordinated emergency operations system capable of responding to emergency situations;
 - (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 and maintain a reliable system of communications with the heads of national disaster management Agencies and ensure that their disaster response capabilities are maintained at agreed levels of operational efficiency;

- (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 the CARICOM Committee of Ambassadors in the metropolitan centres in order to ensure the dissemination to them of reliable information on national disasters in Participating States and their cooperation in mobilising disaster relief resources on a timely and structured basis;
 - (h) 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;
 - (i) establish and maintain relations with international relief organisations in order to facilitate accessing 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 the 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 request as may be agreed after consultation with Sub-Regional Disaster Response Operational Units be capable of triggering the mechanism;
 - (m) provide assistance on request to the heads of national disaster management Agencies in the event of a disaster;
 - (n) on request liaise with the disciplined forces of sending States both in the planning and response stage of any operation mounted after the activation of the triggering mechanism;
 - (o) assist in the development of comprehensive disaster management capabilities and review periodically the disaster response capabilities of Participating States giving due consideration to the availability of resources for immediate and timely response to disaster situations;
 - (p) establish collaborative arrangements and mechanisms with regional disaster management stakeholders to promote disaster loss reduction; and
 - (q) prepare the administrative and emergency budgets of CDEMA for submission to the MCC.
2. The Coordinating Unit shall have the following programming areas -
- (a) education, research and information;
 - (b) finance and administration;
 - (c) preparedness and response;
 - (d) mitigation and research ; and
 - (e) any other programming area which the Council may determine.

ARTICLE XIV

EXECUTIVE DIRECTOR

1. There shall be an Executive Director who shall manage the Coordinating Unit and be the Chief Executive Officer of CDEMA.
2. The Executive Director shall be appointed for a term not exceeding three years and is eligible for reappointment.
3. A Deputy Executive Director shall be appointed by the MCC on the recommendation of the Executive Director for a term not exceeding three years and is eligible for reappointment.
4. The Executive Director and the Deputy Executive Director shall be appointed from among persons with experience in matters relating to emergency relief operations, social welfare and management.

ARTICLE XV

RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR

1. The Executive Director shall have the following responsibilities -
 - (a) implementing the policies of CDEMA;
 - (b) the administration and coordination of activities and programmes of CDEMA;
 - (c) the control of the revenue and expenditure of CDEMA as approved by the Council;
 - (d) the creation and implementation of special programmes and projects where necessary;
 - (e) ensuring that correct procedures are followed with respect to all matters within the competence of CDEMA;
 - (f) prepare an administrative budget biennially;
 - (g) cause the accounts of CDEMA and the Fund to be audited annually by external auditors approved by the MCC;
 - (h) submit annually the audited financial report of CDEMA and the Fund and the budget of CDEMA to the Council for its consideration;
 - (i) submit an annual report to the Council on the work of CDEMA;
 - (j) appoint the staff of the Coordinating Unit except the Deputy Executive Director;
 - (k) subject to the approval of the MCC, the determination of the terms and conditions of service of the staff of the Coordinating Unit; and
 - (l) the performance of any other function or duty in pursuance of the objectives of CDEMA.

2. In the performance of their duties the Executive Director and staff of CDEMA shall seek to maintain their independence and shall not engage in any activity or function in a manner which would compromise the functional independence of CDEMA.

ARTICLE XVI

SUB-REGIONAL DISASTER EMERGENCY RESPONSE OPERATIONAL UNITS

1. Where, pursuant to paragraph (e) of Article VII, 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 have 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; and
 - (d) keep and maintain at the operational focal point in serviceable and optimal working condition an equipment package containing essential items recommended by the TAC.

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 XVII

THE ADMINISTRATIVE BUDGET

1. CDEMA 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 recommended by the MCC and approved by the Council.
3. A Participating State whose economy has been severely affected by a natural disaster may request a waiver of assessed contributions to the budget of CDEMA.
4. The Executive Director, with the approval of the Council, shall establish financial regulations for CDEMA and the Fund in accordance with international accounting standards.

ARTICLE XVIII

EMERGENCY ASSISTANCE FUND

1. CDEMA shall establish an Emergency Assistance Fund (hereinafter 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 recommended by the MCC and approved by the Council.
3. A Participating State whose economy has been severely affected by a natural disaster may request a waiver of assessed contributions to the budget of the Fund.
4. The Executive Director may accept contributions to the Fund from external sources on such conditions as may be prescribed by them and agreed by the MCC for the benefit of all Participating States.

ARTICLE XIX

UNDERTAKINGS OF PARTICIPATING STATES

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

- (a) establish and maintain, as the case may be, national relief organizations capable of responding swiftly, effectively and in a coordinated manner to disasters in Participating States;
- (b) establish emergency disaster planning groups and define national policies and priorities in the event of disasters;
- (c) provide national disaster management agencies with adequate support including named emergency coordinators, liaison officers within key government Ministries, emergency support services and access to utilities.;
- (d) ensure that national disaster management agencies and their coordinators have specific functions and responsibilities to ensure the development of an adequate response capability to support adequate responses to national disasters;
- (e) define the role and functions of key agencies including the Security Services, Health and Public Works in disaster emergency response management and establish a system for regular review of their procedures to ensure coordinated response;
- (f) establish and equip a suitable emergency operations centre capable of handling emergency telecommunications and coordinating emergency response involving relevant services;
- (g) develop and maintain an emergency telecommunications system based on the most appropriate technology to ensure the coordination of emergency operations among stakeholders;

- (h) establish and strengthen procedures for coping with major disaster threats and maintain review systems for testing the procedures through drills and simulations;
- (i) review and rationalize legal arrangements for disaster mitigation and emergency action;
- (j) review and catalogue past disaster events and list credible future emergency responses and identify and map areas with special problems and peculiarities such as flood or landslide prone areas;
- (k) establish data bases of key resources, both human and material, and a system for keeping them current and to computerize and integrate them into an automated emergency information system;
- (l) develop, in collaboration with competent governmental agencies, an emergency shelter policy and programme involving the full participation of local officials from community-based organizations;
- (m) develop and review a system for community participation, local mobilisation and counter disaster action in the event of isolation;
- (n) develop strategies for loss reduction in the public and private sectors focusing on vital economic activities and critical facilities;
- (o) develop a system and procedures for damage assessment in order to facilitate rapid and effective post impact evaluation;
- (p) 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) identify and maintain in a state of readiness and make available immediately on request by the Executive Director relevant material and human resources in the event of disaster.

ARTICLE XX

RELATIONS WITH GOVERNMENT AND NON-GOVERNMENTAL INSTITUTIONS

1. CDEMA may conclude agreements with Governmental, Inter-Governmental and Non-Governmental Organizations or Agencies in order to achieve its objectives.
2. Unless the Council decides otherwise, the Executive Director may negotiate and conclude such Agreements on behalf of CDEMA.

ARTICLE XXI

DISCIPLINED FORCES

1. Where, in response to a request for assistance by any affected Participating State, members of the disciplined forces of another Participating State are despatched to any part of the territory of the requesting State, the Executive Director 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 in the affected Participating State.
3. No member of the disciplined forces of a Participating State 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 XXII

DIRECTION AND CONTROL OF ASSISTANCE

1. Subject to paragraph 2, 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, and 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 of equipment and materials despatched to a requesting State by a sending State during periods of assistance shall be unaffected and their prompt return shall be facilitated at the request of the sending State.
5. The requesting State shall ensure the protection of personnel, equipment and materials brought into its territory for the purpose of rendering assistance during times of disaster.

ARTICLE XXIII

COMPETENT AUTHORITIES AND CONTACT POINTS

1. In the absence of a contrary indication from a Participating State the competent authority and contact point authorised to make requests for and accept offers of assistance in the event of a disaster shall be the head of the National Disaster Management Agency.
2. The Coordinating Unit shall be immediately informed of any change of the contact and focal points of Participating States.
3. The Coordinating Unit shall expeditiously inform Participating States and relevant international organizations with the information referred to in paragraphs 1 and 2 of this Article.

ARTICLE XXIV

CONFIDENTIALITY AND PUBLIC STATEMENTS

1. Participating States their officials and the staff of CDEMA shall respect and not disclose any confidential information received by them in connection with assistance requested in the event of a disaster and the information shall be used exclusively for its intended purpose.
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 XXV

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 XXVI

TERMINATION OF ASSISTANCE

1. The Executive Director shall, subject to paragraph 2, after 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 terminate the receipt or provision of assistance received or provided under this Agreement.

ARTICLE XXVII

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 and detention;
 - (b) grant to such personnel immunity from legal process in respect of words spoken or written and in respect of all acts and omissions in rendering assistance and the immunity shall continue notwithstanding that the period of assistance has been terminated;
 - (c) 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;
 - (d) 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; and
 - (c) as far as possible, facilitate access to medical care of sick or injured personnel deployed during the period of assistance.

4. Persons enjoying privileges and immunities under this Article shall respect the law and regulations of the requesting State and shall not interfere in its domestic affairs.

ARTICLE XXVIII

TRANSIT OF PERSONNEL, EQUIPMENT AND PROPERTY

Participating States shall, at the request of either 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 or from a requesting State.

ARTICLE XXIX

CLAIMS AND COMPENSATION

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

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

- (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 all 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);
 - (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
 - (e) for loss of or damage to non-consumable equipment or materials brought to the requesting State for the purpose of rendering assistance except in the case of the wilful misconduct or gross negligence by the personnel of the sending State.
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 XXX

PRIVELEGES AND IMMUNITIES OF CDEMA

- 1. CDEMA its property and assets wherever located and by whomsoever held shall enjoy immunity from every form of legal process except or in so far as in any particular case the Executive Director has expressly waived its immunity. Any waiver of immunity shall not extend to any measure of execution.
- 2. Save as provided in paragraph 1 the property of CDEMA, wherever located or by whomsoever held, shall be immune from search, acquisition, confiscation, expropriation and any other form of interference, whether by executive, administrative or judicial action.
- 3. This Article shall not be construed as preventing the Government of a Participating State from taking appropriate action in connection with the investigation of accidents involving motor vehicles belonging to or operated on behalf of CDEMA.

ARTICLE XXXI

ARCHIVES OF CDEMA

- 1. The archives of CDEMA shall be inviolable wherever located.
- 2. Proprietary data, confidential information and personnel records shall not be placed in archives open to public inspection.

ARTICLE XXXII
FACILITIES IN RESPECT OF COMMUNICATIONS

1. CDEMA shall enjoy in Participating States freedom of communication for its official communications.
2. The official correspondence and all other forms of official communications shall be inviolable.
3. CDEMA shall have the right to use codes and to despatch and receive correspondence by courier in sealed bags, which shall not be searched or detained unless the competent authorities have reasonable grounds to believe that the sealed bags do not only contain articles, correspondence or documents for the exclusive official use of CDEMA, in which case the bag shall be opened only in the presence of an officer of CDEMA.
4. This Article shall not preclude the adoption of appropriate security measures in the interest of a participating State or its Government.

ARTICLE XXXIII
REPRESENTATIVES AND STAFF OF CDEMA

Representatives of Participating States attending meetings of the Council, the MCC or the TAC as well as the Executive Director and other staff of CDEMA, 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 CDEMA 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 traveling facilities as are accorded by that Participating State to the representatives, officials and employees of comparable rank of other Participating States.

ARTICLE XXXIV
EXEMPTION FROM TAXES AND CUSTOMS DUTIES

1. CDEMA, its assets, property, income, operations and transactions shall be exempt from all direct taxation and goods imported or exported for its official use shall be exempt from all customs duties. CDEMA 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 CDEMA are made by or on behalf of CDEMA, and where the price of the 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 State.
4. No tax shall be levied by Participating States in respect of salaries, other types of emoluments or any other form of payment made by CDEMA to the Executive Director and staff of CDEMA as well as experts performing missions for CDEMA.
5. Paragraph 4 does not apply where the Executive Director or the staff member of CDEMA is a national of the Participating State where CDEMA is located.

ARTICLE XXXV

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 CDEMA shall have no vote in the Council or the MCC 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 violated the obligations assumed under this Agreement may be suspended from the exercise of the rights and privileges of membership by the Council.

ARTICLE XXXVI

ARBITRATION

1. Any dispute between a State Party and CDEMA arising out of the interpretation or application of this Agreement, which is not settled by negotiation or other agreed mode of settlement shall be referred for final decision to an arbitral tribunal of three arbitrators at the instance of either party.
2. Each party shall be entitled to appoint one arbitrator within fifteen days following the request of either party and the two arbitrators shall within fifteen days following the date of their appointments appoint a third arbitrator who shall be the Chairperson of the arbitral tribunal.
3. Where any party fails to appoint an arbitrator under paragraph 2 the other party may request the Secretary-General of the Caribbean Community to appoint an arbitrator within ten days.
4. Where the two arbitrators appointed under paragraph 2 fail to appoint a third arbitrator either party may request the Secretary General of the Caribbean Community to appoint an arbitrator within ten days.
5. The arbitral tribunal shall establish its own rules of procedure.

ARTICLE XXXVII

SIGNATURE AND RATIFICATION

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

ARTICLE XXXVIII

ENTRY INTO FORCE

This Agreement shall enter into force when Instruments of Ratification have been deposited by at least seven of the States listed in the Annex.

ARTICLE XXXIX

ACCESSION

1. This Agreement shall be open to accession by any Caribbean State which on the recommendation of the MCC has been admitted to membership of the CDEMA by the Council on such terms and conditions as the Council may decide.
2. A State admitted to membership in accordance with paragraph 1 shall deposit an Instrument of Accession with the Secretary-General of the Caribbean Community.

ARTICLE XL

DEPOSITARY

1. The original of this Agreement and any amendments thereto shall be deposited with the Secretary General of the Caribbean Community
2. The Secretary-General of the Caribbean Community shall notify the Coordinating Unit of CDEMA of the Deposit of Instruments of Ratification or Accession, as the case may be and forward certified copies of such Instruments to the Coordinating Unit.

ARTICLE XLI

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 MCC with its comments.
3. The MCC 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 XLII

WITHDRAWAL

1. Any Participating State may withdraw from CDEMA.
2. Any Participating State wishing to withdraw from CDEMA shall give to the Coordinating Unit twelve months' written notice of its intention to do so and the Executive Director shall immediately notify the other Participating States.
3. A notice given under 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 CDEMA shall honour any financial obligations duly assumed by it during the period of its membership.

ARTICLE XLIII

PROVISIONAL APPLICATION

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

IN WITNESS WHEREOF the undersigned representatives, being duly authorised by their respective Governments, have signed this Agreement.

Signed by

for the Government of Anguilla on the day of , 2008

at

Signed by

for the Government of Antigua and Barbuda on the day of , 2008

at

Signed by

for the Government of The Bahamas on the day of , 2008

at

Signed by

for the Government of Barbados on the day of , 2008

at

Signed by

for the Government of Belize on the day of , 2008

at

Signed by

for the Government of the British Virgin Islands on the day of ,2008

.
at

Signed by

for the Government of the Commonwealth of Dominica on the day of

2008 at

Signed by

for the Government of Grenada on the day of , 2008

at

Signed by

for the Government of the Co-operative Republic of Guyana on the day of

2008 at

Signed by

for the Government of the Republic of Haiti on the day of , 2008

at

Signed by

for the Government of Jamaica on the day of , 2008

at

Signed by

for the Government of Montserrat on the day of , 2008

at

Signed by

for the Government of the Federation of Saint Christopher and Nevis on the

day of 2008 at

.

Signed by

for the Government of Saint Lucia on the day of , 2008

at

.

Signed by

for the Government of St. Vincent and the Grenadines on the day of

2008 at

Signed by

for the Government of the Republic of Suriname on the day of

2008 at

Signed by

for the Government of the Republic of Trinidad and Tobago on the day of

2008 at

Signed by

for the Government of the Turks and Caicos Islands on the day of

2008 at

ANNEX

Anguilla

Antigua and Barbuda

The Bahamas

Barbados

Belize

British Virgin Islands

Dominica (the Commonwealth of Dominica)

Grenada

Guyana (Cooperative Republic of)

Haiti

Jamaica

Montserrat

Saint Christopher and Nevis

Saint Lucia

Saint Vincent and the Grenadines

Suriname

Trinidad and Tobago

Turks and Caicos Islands