

AGREEMENT

BETWEEN THE

CARIBBEAN COMMUNITY

AND THE GOVERNMENT OF

MONTSERRAT

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The CARIBBEAN COMMUNITY and the GOVERNMENT OF MONTSERRAT ("The Parties"):

HAVING REGARD to the status of Montserrat as a Member of the Caribbean Community (CARICOM) by virtue of Montserrat being a party to the Treaty of Chaguaramas Establishing the Caribbean Community, done at Chaguaramas on 4 July 1973.

RECALLING that the Treaty establishing the Caribbean Community and Common Market signed on 4 July 1973 and revised by Protocols I to IX thereto, have been consolidated and integrated into the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy signed at Nassau, The Bahamas, 5 July 2001 (the "Revised Treaty");

NOTING that the Revised Treaty is being provisionally applied by virtue of the Protocol on the Provisional Application of the Revised Treaty adopted on 4 February 2002 at Belize City, Belize, and signed on that day by the twelve Member States of the Community;

BEARING IN MIND that paragraph 1 of Article 3 of the Revised Treaty lists Montserrat as a Member of the Community;

NOTING FURTHER that Article 234 of the Revised Treaty provides that the Treaty shall enter into force on the deposit of the last Instrument of Ratification of the States mentioned in paragraph 1 of Article 3;

CONSCIOUS that under its present constitutional arrangements Montserrat requires authority by an Instrument of Entrustment from the Government of the United Kingdom to enable Montserrat to sign and ratify or accede to the Revised Treaty and that Montserrat is not yet in a position to obtain such an Instrument of Entrustment;

MINDFUL of the strong will amongst the Community Member States that the Revised Treaty enter into force for the definitive operation of the CARICOM Single Market and Economy;

MINDFUL ALSO that entry into force of the Revised Treaty is necessary for securing the proper functioning of Community institutions including the Caribbean Court of Justice;

ACKNOWLEDGING that under Article 28(2) of the Treaty Establishing the Caribbean Community 1973 the Conference may conclude Agreements on behalf of the Community;

ACKNOWLEDGING ALSO that the Government of the United Kingdom has authorized Montserrat, by Instrument of Entrustment, to conclude this Agreement with the Community;

CONSCIOUS ALSO of the consistent and untiring commitment of Montserrat to the Community and to the cause of regional integration;

DESIRING to maintain the *status quo* between CARICOM and Montserrat;

HEREBY AGREE as follows:

Article I

Entry into force of the Revised Treaty

The Revised Treaty shall enter into force on 1 January 2006, provided that Instruments of Ratification have been previously deposited by twelve of the States mentioned in paragraph 1 of Article 3 thereof.

Article II

Maintenance of the Status Quo

Montserrat shall remain a Member of the Community in accordance with the terms and conditions existing immediately prior to the entry into force of the Revised Treaty notwithstanding that it has not deposited its

Instrument of Ratification by the date of entry into force thereof and therefore that the Revised Treaty is not in force for Montserrat. Thereafter, upon receipt of the relevant Instrument of Entrustment and notwithstanding Article 238 of the Revised Treaty, Montserrat shall be entitled to sign and ratify or accede to the Revised Treaty, as the case may be, on the same terms and conditions as the original States Parties.

Article II

Entry into force of this Agreement

This Agreement shall enter into force on the date of signature by the Parties hereto.

Article IV

Withdrawal from the Community

Montserrat, in accordance with Article 27 of the Treaty establishing the Caribbean Community 1973, shall remain entitled to withdraw from the Community by giving notice in writing to the Secretary General of the Caribbean Community and the Secretary General shall promptly notify the other Member States. Such withdrawal shall take effect 12 months after the notice is received by the Secretary General.

Article V

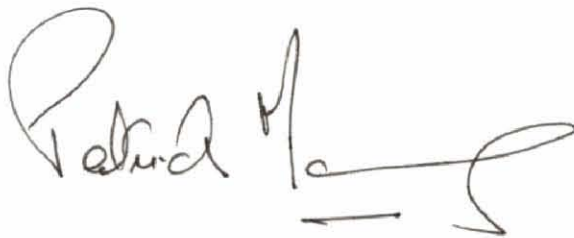
Termination of this Agreement

This Agreement shall come to an end on entry into force of the Revised Treaty for Montserrat following Montserrat's ratification of or accession to the Revised Treaty and the relationship between Montserrat and the Community shall thereafter be governed by the provisions of the Revised Treaty. Ratification or accession shall take effect for Montserrat one month following the deposit of the relevant Instrument with the CARICOM Secretariat.

IN WITNESS WHEREOF, the undersigned plenipotentiaries being duly authorised have affixed their signatures to this Protocol.

Done at *Brades, Montserrat*
on the *29th* day of *January* 2006.

Signed by:



Chairman of the Conference of Heads of Government on behalf of the
Caribbean Community

Signed by:



for the Government of the Montserrat