



ST. CHRISTOPHER AND NEVIS

CHAPTER 25.14

ORGANISATION OF EASTERN CARIBBEAN STATES ACT

Revised Edition

showing the law as at 31 December 2002

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This edition contains a consolidation of the following laws—

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CHAPTER 25.14

ORGANISATION OF EASTERN CARIBBEAN STATES ACT

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CHAPTER 25.14

ORGANISATION OF EASTERN CARIBBEAN STATES ACT

AN ACT TO PROVIDE FOR THE IMPLEMENTATION BY SAINT CHRISTOPHER AND NEVIS OF THE TREATY ESTABLISHING THE ORGANISATION OF EASTERN CARIBBEAN STATES AND FOR PURPOSES CONNECTED THEREWITH.

Short title.

1. This Act may be cited as the Organisation of Eastern Caribbean States Act.

Interpretation.

2. In this Act—

“Treaty” means the Treaty signed on the 18th day of June, 1981 at Basseterre for the establishment of the Organisation of Eastern Caribbean States the text of which is set out in the Schedule and ratified by the Government of Saint Christopher and Nevis on the 3rd day of July, 1981.

Acceptance of the Treaty.

3. Notwithstanding anything to the contrary contained in any other law the Treaty and the Annexes thereto, as are set out in the Schedule, shall have the force of law in Saint Christopher and Nevis.
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SCHEDULE**TREATY ESTABLISHING THE ORGANISATION OF
EASTERN CARIBBEAN STATES****PREAMBLE**

THE GOVERNMENTS OF THE CONTRACTING STATES,

CONVINCED that the West Indies (Associated States) Council of Ministers since its establishment in 1966 has done much to further regional co-operation in many fields and has rendered valuable services to its member countries;

RECOGNISING that since the establishment of the said Council of Ministers significant constitutional and other changes have taken place in the region;

AFFIRMING their determination to achieve economic and social development for their peoples as enunciated in the Agreement of the 11th day of June, 1968, establishing the East Caribbean Common Market;

INSPIRED by a common determination to strengthen the links between themselves by uniting their efforts and resources and establishing and strengthening common institutions which could serve to increase their bargaining power as regards third countries or groupings of countries;

HAVING IN MIND the strong views expressed by the said Council of Ministers regarding the desirability of retaining and formalising the arrangements for joint action by its member countries;

DETERMINED to satisfy the legitimate aspirations of their peoples for development and progress;

HAVE AGREED as follows:

ARTICLE 1**ESTABLISHMENT OF THE ORGANISATION OF EASTERN CARIBBEAN STATES**

By this Treaty the Contracting Parties establish among themselves the Organisation of Eastern Caribbean States (hereinafter called 'The Organisation') having the membership, powers and functions hereinafter specified.

ARTICLE 2**MEMBERSHIP**

1. Full membership of the Organisation shall be open to those countries which immediately prior to the establishment of the Organisation have been members of the West Indies (Associated States) Council of Ministers, namely:

- (a) Antigua
- (b) Dominica
- (c) Grenada
- (d) Montserrat
- (e) St. Kitts/Nevis
- (f) St. Lucia

(g) Saint Vincent and The Grenadines.

2. The independent States listed in the preceding paragraph the Governments of which sign and ratify this Treaty in accordance with Article 20 thereof shall immediately become full members (hereinafter referred to as 'The Member States') of the Organisation.

3. Notwithstanding that a territory or group of territories listed in Paragraph 1 of this Article is not a sovereign independent State, the Heads of Governments of the Member States of the Organisation (hereinafter referred to as 'The Authority') may by a unanimous decision admit such territory or group of territories as a full member of the Organisation and such territory or group of territories shall thereby qualify as a Member State under this Treaty.

4. Any other States or territories in the Caribbean region may apply to become Full or Associate Members and shall be admitted as such by a unanimous decision of the Authority. The nature and extent of the rights and obligations of Associate Members shall be determined by the Authority.

ARTICLE 3

PURPOSES AND FUNCTIONS OF THE ORGANISATION

1. The major purposes of the Organisation shall be:

- (a) to promote co-operation among the Member States and at the regional and international levels having due regard to the Treaty establishing the Caribbean Community and the Charter of the United Nations;
- (b) to promote unity and solidarity among the Member States and to defend their sovereignty, territorial integrity and independence;
- (c) to assist the Member States in the realisation of their obligations and responsibilities to the international community with due regard to the role of international law as a standard of conduct in their relationship;
- (d) to seek to achieve the fullest possible harmonisation of foreign policy among the Member States; to seek to adopt, as far as possible, common positions on international issues and to establish and maintain wherever possible, arrangements for joint overseas representation and/or common services;
- (e) to promote economic integration among the Member States through the provisions of the Agreement Establishing the East Caribbean Common Market; and
- (f) to pursue the said purposes through its respective institutions by discussion of questions of common concern and by agreement and common action.

2. To this end the Member States will endeavour to co-ordinate, harmonise and pursue joint policies particularly in the fields of:

- (a) External Relations including overseas representation;
- (b) International Trade Agreements and other External Economic Relations;
- (c) Financial and Technical Assistance from external sources;

- (d) International Marketing of Goods and Services including Tourism;
- (e) External Transportation and Communications including Civil Aviation;
- (f) Economic Integration among the Member States through the provisions of the Agreement Establishing the East Caribbean Common Market;
- (g) Matters relating to the sea and its resources;
- (h) The Judiciary;
- (i) Currency and Central Banking;
- (j) Audit;
- (k) Statistics;
- (l) Income Tax Administration;
- (m) Customs and Excise Administration;
- (n) Tertiary Education including University;
- (o) Training in Public Administration and Management;
- (p) Scientific Technical and Cultural Co-operation;
- (q) Mutual Defence and Security; and
- (r) Such other activities calculated to further the purposes of the Organisation as the Member States may from time to time decide.

ARTICLE 4

GENERAL UNDERTAKING AS TO IMPLEMENTATION

Member States shall take all appropriate measures, whether general or particular, to ensure the carrying out of obligations arising out of this Treaty or resulting from decisions taken by the institutions of the Organisation. They shall facilitate the achievement of the purposes of the Organisation, in particular, each Member State shall take all steps to secure the enactment of such legislation as is necessary to give effect to this Treaty and decisions taken thereunder.

ARTICLE 5

INSTITUTIONS OF THE ORGANISATION

1. There are hereby established the following principal institutions through which the Organisation shall accomplish the functions entrusted to it under this Treaty:

- (a) the Authority of Heads of Government of the Member States of the Organisation (referred to in this Treaty as 'The Authority');
- (b) the Foreign Affairs Committee;
- (c) the Defence and Security Committee;
- (d) the Economic Affairs Committee; and
- (e) the Central Secretariat.

2. The institutions of the Organisation shall perform the functions and act within the limits of the powers conferred upon them by or under this Treaty and by the

Protocols thereto. They may establish such subsidiary institutions as they deem necessary for the performance of their functions.

ARTICLE 6

COMPOSITION AND FUNCTIONS OF THE AUTHORITY

1. The Authority shall be composed of Heads of Government of the Member States.
2. Any Member of the Authority may, as appropriate, designate a Minister to represent such member at any meeting of the Authority.
3. Only Member States possessing the necessary competence in respect of matters under consideration from time to time shall take part in the deliberations of the Authority.
4. The Authority shall be the supreme policy-making institution of the Organisation. It shall be responsible for, and have the general direction and control of the performance of the functions of the Organisation, for the progressive development of the Organisation and the achievement of its purposes.
5. The Authority shall have power to make decisions on all matters within its competence. All such decisions shall require the affirmative vote of all Member States present and voting at the meeting of the Authority at which such decisions were taken provided that such decisions shall have no force and effect until ratified by those Member States, if any, which were not present at that meeting, or until such Member States have notified the Authority of their decision to abstain. Such decisions by the Authority shall be binding on all Member States and on all institutions of the Organisation and effect shall be given to any such decisions provided that it is within the sovereign competence of Member States to implement them.
6. The Authority may make such recommendations and give such directives as it seems necessary for the achievement of the purposes of the Organisation and for ensuring the smooth functioning of the institutions of the Organisation.
7. The Authority may establish, and designate as such, institutions of the Organisation in addition to those specified in sub-paragraphs (b), (c), (d) and (e) of Paragraph 1 of Article 5 of this Treaty, as it deems necessary for the achievement of the purposes of the Organisation.
8. Subject to the relevant provisions of this Treaty, the Authority shall be the final authority for the conclusion of treaties or other international agreements on behalf of the Organisation and for entering into relationships between the Organisation and other International Organisations and third countries.
9. Subject to the relevant provisions of this Treaty, the Authority shall take decisions for the purpose of establishing the financial arrangements necessary for meeting the expenses of the Organisation and shall be the final authority on questions arising in relation to the financial affairs of the Organisation.
10. The Authority shall meet at least twice a year. It shall determine its own procedure including that for convening meetings, for the conduct of business thereat and at other times, and for the annual rotation of the office of Chairman among its members in accordance with the principle of alphabetical order of the Member States.
11. The Authority shall in addition meet in extraordinary session whenever it deems necessary in accordance with the regulations laid down in its rules of procedure.

ARTICLE 7**COMPOSITION AND FUNCTIONS OF THE FOREIGN AFFAIRS COMMITTEE**

1. The Foreign Affairs Committee shall consist of the Ministers responsible for Foreign Affairs in the Governments of the Member States or such other Ministers as may be designated by the Heads of Government of the Member States.
2. Only Member States possessing the necessary competence in respect of matters under consideration from time to time shall take part in the deliberations of the Foreign Affairs Committee.
3. The Foreign Affairs Committee shall be responsible to the Authority. It shall take appropriate action on any matters referred to it by the Authority and shall have the power to make recommendations to the Authority.
4. The Foreign Affairs Committee shall have responsibility for the progressive development of the foreign policy of the Organisation and for the general direction and control of the performance of the executive functions of the Organisation in relation to its foreign affairs.
5. The decisions and directives of the Foreign Affairs Committee shall be unanimous and shall be binding on all subordinate institutions of the Organisation unless otherwise determined by the Authority.
6. Subject to any directives that the Authority may give, the Foreign Affairs Committee shall meet as and when necessary. It shall determine its own procedure, including that for convening meetings, for the conduct of business thereat, and at other times and for the annual rotation of the office of Chairman among its members in accordance with the principle of alphabetical order of the Member States.

ARTICLE 8**COMPOSITION AND FUNCTIONS OF THE DEFENCE AND SECURITY COMMITTEE**

1. The Defence and Security Committee shall consist of the Ministers responsible for Defence and Security or other Ministers of Plenipotentiaries designated by Heads of Government of the Member States.
2. Only Member States possessing the necessary competence in respect of matters under consideration from time to time shall take part in the deliberations of the Defence and Security Committee.
3. The Defence and Security Committee shall be responsible to the Authority. It shall take appropriate action on any matters referred to it by the Authority and shall have the power to make recommendations to the Authority. It shall advise the Authority on matters relating to external defence and on arrangements for collective security against external aggression, including mercenary aggression, with or without the support of internal or national elements.
4. The Defence and Security Committee shall have responsibility for co-ordinating the efforts of Member States for collective defence and the preservation of peace and security against external aggression and for the development of close ties among the Member States of the Organisation in matters of external defence and security, including measures to combat the activities of mercenaries, operating with or without the support of internal or national elements, in the exercise of the inherent right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations.

5. The decisions and directives of the Defence and Security Committee shall be unanimous and shall be binding on all subordinate institutions of the Organisation unless otherwise determined by the Authority.

6. Subject to any directives that the Authority may give, the Defence and Security Committee shall meet as and when necessary. It shall determine its own procedure, including that for convening meetings, for the conduct of business thereat and at other times, and for the annual rotation of the Office of Chairman among its members in accordance with the principle of alphabetical order of the Member States.

ARTICLE 9

COMPOSITION AND FUNCTIONS OF THE ECONOMIC AFFAIRS COMMITTEE

1. The Economic Affairs Committee (hereinafter referred to in this Article as 'The Committee') shall consist of such Ministers in the Governments of the Member States as may from time to time be appointed to the Committee by Heads of Government of the Member States.

2. Only Member States possessing the necessary competence in respect of matters under consideration from time to time shall take part in the deliberations of the Committee.

3. The Committee shall have as its functions those functions entrusted to the Council of Ministers under the Agreement of 11th June, 1968, establishing the East Caribbean Common Market.

4. The provisions of the said Agreement, to the extent that they are not incompatible with the provisions of this Treaty, shall be deemed to be incorporated in and to form an integral part of this Treaty. The provisions of the said Agreement, are set out in Annex 1 to this Treaty.

Article 10

The Central Secretariat

1. The Central Secretariat (hereinafter referred to as 'The Secretariat') shall be the principal institution responsible for the general administration of the Organisation.

2. The Secretariat shall comprise a Director-General and such other staff as the Organisation may require.

3. The Director-General shall be the Chief Executive Officer of the Organisation and shall have responsibility for the general direction and control of the Organisation. He shall be appointed by the Authority to serve in that capacity for a term of four (4) years and shall be eligible for re-appointment.

4. In the performance of his functions, the Director-General shall be responsible to the Authority, the Foreign Affairs Committee, the Defence and Security Committee and the Economic Affairs Committee. He shall be responsible for the general efficiency of the administrative service, for co-ordination of the activities of the Organisation and for the operation of the administrative apparatus in general. He shall similarly be responsible to any institution established by the Authority pursuant to Paragraph 7 of Article 6 of this Treaty.

In particular, his duties shall include the following:

- (a) to service meetings of institutions of the Organisation;

- (b) to take appropriate follow-up action on decisions, recommendations or directives taken at such meetings;
- (c) to keep the functioning of the Organisation under continuous review and to report his findings to the appropriate Chairman;
- (d) to make reports of activities and an annual report to the Authority on the work of the Organisation; and
- (e) to undertake such work and studies and perform such services relating to the functions of the Organisation as may be assigned to him from time to time and also make such proposals relating thereto as may assist in the efficient and harmonious functioning and development of the Organisation.

5. The terms and conditions of service of the Director-General and other staff of the Secretariat shall be governed by such rules and regulations as are approved by the Authority.

6. In appointing officers to posts in the Secretariat, due regard shall be paid, subject to the paramount consideration of securing the highest standards of efficiency, competence and integrity, to the desirability of maintaining an equitable distribution of appointments to such posts among citizens of the Member States. Subject to the provisions of this paragraph, the Director-General shall have the discretion to appoint all staff to the Secretariat provided that Directors are appointed with the prior approval of the Authority.

7. The Director-General shall have the responsibility to ensure that all persons found suitable for employment are duly cleared before engagement in respect of security.

8. In the performance of their duties the Director-General and other members of the staff of the Secretariat shall neither seek nor accept instructions from any Governments or from any other authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation.

9. Each Member State undertakes to respect the exclusive international character of the responsibilities of the Director-General and other members of the staff of the Organisation and not to seek to influence them in the discharge of their responsibilities.

ARTICLE 11

CO-ORDINATION AND HARMONISATION OF FOREIGN POLICY

1. Unless objection is offered by the receiving States or international organisations and conferences concerned, Member States of the Organisation may establish and maintain arrangements for joint overseas diplomatic or other representation, including, where appropriate, the accreditation of one representative to one or more States, international organisations or conferences.

2. Where such objection, referred to in the preceding paragraph, is made by an international organisation or conference by virtue of its constitution or rules of procedure or for any other reason and where the Member States are members of such organisation or conference, the Director-General shall take all appropriate steps, consistent with the constitution or rules of procedure of such organisation or conference, as to ensure the optimum realisation of the benefits of their membership of such organisation or conference.

3. The Director-General shall have the authority and responsibility for transmitting directives of the Authority on joint foreign policy matters to heads of overseas diplomatic and other missions established by the Organisation. He shall take precedence in matters of protocol over the heads of such missions.
4. Heads of diplomatic or other missions of the Organisation shall be recommended for appointment by the Authority after consultation with the Foreign Affairs Committee. Provided that they may at any time resign their offices by written notice to the Director-General, who shall promptly transmit such notice to the Member States of the Organisation.
5. Subject to the preceding paragraph, the staff of such missions shall be appointed by the Director-General. In appointing such staff he shall have due regard to the provisions of Paragraphs 6 and 7 of Article 10 of this Treaty. The terms and conditions of service of such staff shall be governed by such rules and regulations as govern the staff at the head-quarters of the Organisation.
6. The expenses for diplomatic or other representatives referred to in Paragraph 1 of this Article shall be apportioned among the Member States participating in such arrangements.

ARTICLE 12

EXTERNAL AUDITOR

1. There shall be an External Auditor of the Organisation who shall be appointed and removed by the Authority.
2. Subject to the provisions of the preceding paragraph the regulations governing the terms and conditions of service and powers of the External Auditor shall be approved by the Authority.

ARTICLE 13

THE BUDGET OF THE ORGANISATION

1. There shall be established a budget of the Organisation.
2. All expenses of the Organisation shall be approved in respect of each financial year by the Authority and shall be chargeable to the budget.
3. Revenues of the budget shall be derived from annual contributions by the Member States and from such other sources as may be determined by the Authority.
4. The budget shall be in balance as to revenues and expenditures.
5. A draft budget for each financial year shall be prepared by the Director-General for the approval of the Authority.
6. There shall be special budgets to meet extraordinary expenditures of the Organisation.
7. Each Member State undertakes to pay regularly its annual contribution to the budget of the Organisation.

ARTICLE 14

PROCEDURE FOR THE SETTLEMENT OF DISPUTES

1. Any dispute that may arise between two or more of the Member States regarding the interpretation and application of this Treaty shall, upon the request of any of them, be amicably resolved by direct agreement.

2. If the dispute is not resolved within three months of the date on which the request referred to in the preceding paragraph has been made, any party to the dispute may submit it to the conciliation procedure provided for in Annex A to this Treaty by submitting a request to that effect to the Director-General of the Organisation and informing the other party or parties to the dispute of the request.

3. Member States undertake to accept the conciliation procedure referred to in the preceding paragraph as compulsory. Any decisions or recommendations of the Conciliation Commission in resolution of the dispute shall be final and binding on the Member States.

ARTICLE 15

PARTICIPATION IN OTHER ARRANGEMENT

1. Nothing in this Treaty shall preclude any Member State from participating in other arrangements either with other Member States or non-Member States provided that its participation in such arrangements does not derogate from the provisions of this Treaty.

2. The rights and obligations arising from agreements concluded before the entry into force of this Treaty between Member States, or between Member States and other countries or organisations shall not be affected by the provisions of this Treaty.

3. To the extent that such agreements are not compatible with this Treaty, the Member State or States concerned shall take all appropriate steps to eliminate the incompatibilities established. Member States shall, where necessary, assist each other to this end and shall, where appropriate, adopt a common attitude.

ARTICLE 16

RELATIONS WITH OTHER INTERNATIONAL ORGANISATIONS AND OTHER COUNTRIES

1. The Organisation shall seek to establish such relations with other International Organisations and other countries as may facilitate the attainment of its purposes. To this end, the Organisation may conclude formal agreements or establish effective working relationships with such Organisations and Governments of other countries.

2. The Organisation may decide, in accordance with its rules of procedure, to admit as observers at its deliberations representatives of non-Member States or other entities.

ARTICLE 17

PRIVILEGES AND IMMUNITIES

1. The Organisation as an international organisation, shall enjoy legal personality.

2. The Organisation shall have in the territory of each Member State:

- (a) the legal capacity required for the performance of its functions under this Treaty; and
- (b) power to acquire, hold or dispose of movable or immovable property.

3. In the exercise of its legal personality under this Article, the Organisation shall be represented by the Director-General.

4. The privileges and immunities to be granted to the senior official of the Organisation at its headquarters and in the Member States shall be the same as accorded to members of a diplomatic mission accredited at the headquarters of the Organisation and in the Member States under the provisions of the Vienna Convention on Diplomatic Relations on 18 April 1961. Similarly the privileges and immunities granted to the Secretariat at the headquarters of the Organisation shall be the same as granted to diplomatic missions at the headquarters of the Organisation and in the Member States under the said Convention. Other privileges and immunities to be recognised and granted by the Member States in connection with the Organisation shall be determined by the Authority.

ARTICLE 18

HEADQUARTERS OF THE ORGANISATION

The location of the headquarters of the Organisation shall be determined by the said Authority.

ARTICLE 19

SETTING UP OF THE INSTITUTION

1. At its first meeting after the entry into force of this Treaty the Authority shall, *inter alia*:

- (a) admit to membership in the Organisation the non-independent territories included in Paragraph 1 of Article 2 of this Treaty, before consideration of any other matter;
- (b) appoint the Director-General;
- (c) determine the headquarters of the Organisation;
- (d) make decisions for the establishment of financial arrangements for meeting the expenses of the Organisation; and
- (e) give such directions to the institutions of the Organisation as are necessary for the expeditious and effective implementation of the provisions of this Treaty.

ARTICLE 20

SIGNATURE AND RATIFICATION

1. This Treaty and any Protocols thereto which shall form an integral part of the Treaty, shall be open for signature to all countries specified in Paragraph 1 of Article 2 of this Treaty.

2. This Treaty is subject to ratification by the signatories in accordance with their respective constitutional processes.

3. The original text of this Treaty shall be deposited with the Government of Saint Lucia which shall transmit certified copies thereof to all the signatories.

4. Instruments of ratification or accession shall be deposited with the Government of Saint Lucia, which shall notify all signatories of each such deposit.

ARTICLE 21**ENTRY INTO FORCE**

This Treaty shall enter into force immediately upon receipt by the Government of Saint Lucia of the second instrument of ratification from the countries specified in Paragraph 1 of Article 3 of this Treaty which have the status of Independent States.

ARTICLE 22**ADMISSION TO MEMBERSHIP ACCESSION AND ADHERENCE**

1. After this Treaty has entered into Force in accordance with the provisions of Article 21 thereof, any independent State or Territory specified in Article 2 of this Treaty may apply to the Authority to become a Full Member or Associate Member of the Organisation and may, if the Authority so decides, be admitted as such in accordance with Paragraphs 3 and 4 of Article 2 of this Treaty respectively.
2. Unless otherwise desired by the Authority, admission to full membership of the Organisation shall take effect immediately upon a decision to that effect by the Authority.
3. Each Territory admitted to full membership of the Organisation shall accede to this Treaty in accordance with the provisions of Paragraph 4 of Article 20 thereof upon its attainment of independent statehood.
4. Any independent State or Territory in the Caribbean region may at any time notify the Director-General of its intention to adhere to this Treaty.
5. The Director-General shall, on receipt of such notification, transmit a copy of it to all the signatories and to the Government of Saint Lucia.
6. The terms and conditions of adherence in any particular case shall be determined by the Authority.

ARTICLE 23**DECLARATION OF NON-PARTICIPATION**

Any Member State may, either on becoming a member of the Organisation or within a period not exceeding twelve (12) months thereafter, declare in writing to the Director-General its intention to withhold its participation in respect of Foreign Affairs and/or Defence and Security matters of the Organisation. The Director-General shall on receipt of such declaration promptly transmit a copy of it to all the other Member States of the Organisation. Such declaration shall take effect on the date of its receipt by the Director-General.

ARTICLE 24**WITHDRAWAL**

1. This Treaty shall be of unlimited duration.
2. Any Member State, whether a Full Member or an Associate Member, may withdraw from the Organisation if it decides that extraordinary events, related to the subject-matter of this Treaty, have seriously endangered its supreme national interests. It shall give written notice of such withdrawal to the Director-General who shall promptly notify the other Member States and the Government of Saint Lucia. Such withdrawal shall take effect twelve (12) months after the notice is received by the Director-General.

3. Any Member State which withdraws from the Organisation shall discharge its financial obligations to the Organisation and shall respect any commitments undertaken before the effective date of withdrawal.

4. Any Member State which withdraws from the Organisation during the period of its operation has no claim to any part of the proceeds until the liquidation of the assets of the Organisation on the termination of this Treaty at which time it shall be entitled to the value of its assets as at the date of withdrawal.

ARTICLE 25

AMENDMENTS

1. Any Member State may make written proposals for the amendment of this Treaty and any Protocols thereto.

2. Amendments shall be effected by a unanimous decision of the Authority. They shall come into force on the thirteenth day following the date of their receipt by the Government of Saint Lucia. The text of any amendment shall be promptly communicated by the Director General to the said Government which shall transmit certified copies thereof to all the signatories to this Treaty and shall also inform them of the date of entry into force of any such amendment.

ARTICLE 26

REGISTRATION

The Treaty and all its Protocols shall be registered by the Government of Saint Lucia with the Secretariat of the United Nations pursuant to Article 102 of the Charter of the United Nations and shall also be registered with the Secretariat of the Caribbean Community.

ARTICLE 27

TRANSITIONAL ARRANGEMENTS

Until such time as the Director-General is appointed the powers and functions of the said office shall be exercised by the Executive Secretary of the Council of Ministers of the West Indies Associated States.

IN WITNESS WHEREOF, the Undersigned Plenipotentiaries, being duly authorised thereto by their respective Governments, have signed the present Treaty.

DONE AT Basseterre this Eighteenth day of June, One thousand nine hundred and eighty-one.

For the Government of:

Antigua	LESTER BIRD
Dominica	M. EUGENIA CHARLES
Grenada	MAURICE BISHOP
Montserrat	F. A. L. MARGETSON
St. Kitts/Nevis	KENNEDY A. SIMMONDS
Saint Lucia	WINSTON F. CENAC
Saint Vincent and The Grenadines	HUDSON TANNIS

ANNEX A

CONCILIATION COMMISSION

1. A list of conciliators consisting of qualified jurists shall be drawn up and maintained by the Director-General of the Organisation. To this end, every Member State shall be invited to nominate two conciliators, and the names of the persons so nominated shall constitute the list. The term of a conciliator, including that of any conciliator nominated to fill a casual vacancy shall be five years and may be renewed. A conciliator whose term expires shall continue to fulfil any function for which he shall have been chosen under the following paragraph.

2. (a) When a request has been made to the Director-General under Article 14, the Director-General shall bring the dispute before a Conciliation Commission constituted as follows:

The Member State or Member States constituting one of the parties to the dispute shall appoint:

- (i) one conciliator who is a citizen of that State or of one of those States and who may or may not be chosen from the list referred to in paragraph 1; and
 - (ii) one conciliator who is not a citizen of that State or of any of those States and who shall be chosen from the list.
- (b) The Member State or Member States constituting the other party to the dispute shall appoint two conciliators in the same way. The four conciliators chosen by the parties shall be appointed within thirty days following the date on which the Director-General received the request.
- (c) The four conciliators shall, within thirty days following the date of the last of their own appointments appoint a fifth conciliator chosen from the list, who shall be chairman.
- (d) If the appointment of the Chairman or of any of the other conciliators has not been made within the period prescribed above for such appointment, it shall be made by the Director-General within thirty days following the expiry of that period. The appointment of the Chairman may be made by the Director-General either from the list or from the membership of the International Law Commission. Any of the periods within which appointments must be made may be extended by agreement between the parties to the dispute.
- (e) Any vacancy shall be filled in the manner prescribed for the initial appointment.

3. The Conciliation Commission shall decide its own procedure. The Commission, with the consent of the parties to the dispute, may invite any Member State of the Organisation to submit to it its views orally or in writing. Decisions and recommendations of the Commission shall be made by a majority vote of the five members.

4. The Commission may draw the attention of the parties to the dispute to any measures which might facilitate an amicable settlement.

5. The Commission shall hear the parties, examine the claims and objections, and make proposals to the parties with a view to reaching an amicable settlement of the dispute.

6. The Commission shall report within six months of its constitution. Its report shall be deposited with the Director-General and transmitted to the parties to the dispute. The report of the Commission, including any conclusions stated therein regarding the facts or questions of law, shall be binding upon the parties.

7. The Director-General shall provide the Commission with such assistance and facilities as it may require. The expenses of the Commission shall be borne by the Organisation.
