



Robert Schuman

**An Overview of Regional Governance Arrangements
within the Caribbean Community**

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**The Jean Monnet Chair
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An Overview of Regional Governance Arrangements within the Caribbean Community

Introduction

The concept of governance has gained currency in recent years with the advent of the new wave of globalization and the ensuing debate on the role of the nation-state in the international system.¹ This article focuses on regional governance which, in a broad sense, involves the formal political, legal and institutional arrangements which underpin regional integration schemes. This article concentrates on regional governance within the Caribbean Community (CARICOM).² It first provides an overview of Caribbean integration. It then examines the emerging CARICOM framework. Finally, the chapter draws some broad conclusions in relation to regional governance within CARICOM, making reference to some aspects of the European Union (EU) model.

Overview of Caribbean Integration

The Historical Dimension

The process of Caribbean integration has its genesis in the West Indian Federation which lasted from 1958 to 1962. This early experiment was part of a wider British project which was aimed to curtail the costs of empire for a weakened post-war Britain while seeking to minimize the impact of decolonialization on the small island economies unable to survive as viable territories on their own. Writers have cited many political, economic, socio-cultural and geographic factors for the short-lived federal venture.³ The end of the federation was followed by the creation of the Caribbean Free Trade Area (CARIFTA) (1968). This free trade arrangement experienced economic success, as evidenced by export expansion from US\$85 million in 1970 to US\$233 million in 1974. Imports expanded comparably during the same period.⁴ However, this trade expansion was

¹ See Denis Benn and Kenneth Hall (eds.), *Governance in the age of Globalization: Caribbean Perspective* (Kingston: Ian Randle Publishers, 2003); Jan A. Scholte, *Globalization: A Critical Introduction* (New York: St. Martin's Press, 2000); and Michael Schultz, et al. (eds.), *Regionalization in a Globalizing World* (London and New York: Zed Books, 2000).

² CARICOM currently consists of fifteen member states: Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.

³ Gordon K. Lewis, *The Growth of the Modern West Indies* (New York: Monthly Review Press, 1968); and Eric E. Williams, *From Columbus to Castro: the history of the Caribbean, 1492-1969* (London: André Deutsch Ltd., 1970).

⁴ Harold Codrington and DeLisle Worrell, "Trade and Economic Growth in Small Development Economies: Research on the Caribbean," in *Economic Adjustment Policies for Small Nations: Theory and Experience in the English-Speaking Caribbean*, DeLisle Worrell and Compton Bourne (eds.) (New York: Praeger, 1989).

concentrated mainly among the More Developed Countries (MDCs) which had stronger manufacturing and industrial bases, which served to reinforce the disparities between the MDCs and the Least Developed Countries (LDCs). The shortcomings of CARIFTA demonstrated that the creation of a free trade area is often inadequate to deal with the complex problems of development.⁵ Thus a more comprehensive approach to integration was needed.

The Establishment of CARICOM – The Old Paradigm

The Caribbean Community (CARICOM) was established in 1973 by the Treaty of Chaguaramas. The three main objectives of CARICOM were economic integration, through a common market, functional cooperation and foreign policy coordination. Since its establishment CARICOM has made notable achievements in the area of functional cooperation. However, it had mixed results in terms of coordinating foreign policy while economic integration was even more problematic.

In terms of foreign policy coordination, CARICOM member states were able to cooperate on a number of foreign policy issues, particularly in the area of international negotiations. CARICOM played a leading role in initiating the negotiations for the Lomé Conventions. It also benefited from collective diplomacy in the General Agreements on Tariffs and Trade/World Trade Organization (GATT/WTO), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Conference on the Law of the Sea (UNCLOS) negotiations as well as in various commissions and joint councils with Canada, Cuba, Japan, Mexico, the United States, the Organization of American States (OAS), the G3 (Columbia, Venezuela and Mexico), among others. In addition, by trading each others' support, the CARICOM countries succeeded in getting their nations elected to key international positions, such as Commonwealth Secretary-General and African Caribbean and Pacific (ACP) states Secretary-General. CARICOM has also been successful in assisting with territorial disputes in the region. The Community has been instrumental in assisting Guyana and Belize in protecting their sovereignty and territorial integrity and enabling both member states to exercise their right to sit in the councils of the OAS from which they had been debarred for many years.⁶

However, CARICOM was established at the height of the Cold War. Given the close proximity of CARICOM member states to the United States and the realities of the Monroe Doctrine, this region was a central theatre for Cold War politics. Thus, given the Cold War environment, there was “a marked unwillingness” to harmonize their positions in their relations with superpowers.⁷ Therefore, there was an ideological divide within

⁵ In a path breaking work Brewster and Thomas developed this thesis. See Havelock Brewster and Clive, Y. Thomas, *The Dynamics of West Indian Economic Integration* (Kingston: Institute of Social and Economic Research, 1967).

⁶ Kenneth O. Hall, *Re-inventing CARICOM: The Road to a New Integration* (Kingston: Ian Randle Publishers, 2003), xxii.

CARICOM. Consequently, CARICOM adopted a policy of ‘ideological pluralism’ after Guyana, Jamaica and Grenada opted for socialism as distinct from the Western liberal democracy followed by the other states within the region. The Grenada revolution (1979-1983) was particularly problematic. Several Heads of the Community were openly hostile to the idea of ‘ideological pluralism’. For the late Tom Adams, the then Prime Minister of Barbados, ideological pluralism meant “we can no longer hope to achieve one of the goals of the founders of CARICOM which is to maintain a coordinated foreign policy.”⁸

However, other CARICOM leaders held an opposing view. The late President of Guyana, Forbes Burnham pointed out that “there is one thing we must get straight if we are to survive. We cannot prattle about democracy internally and not accept the facts of political and ideological pluralism within our region.” Burnham cautioned that it was time for CARICOM Heads to mature and “not be the football of outside circles.”⁹ The implosion of the Grenada revolution in 1983 coincided with the end of socialist experiments in Jamaica and Guyana and the subsequent end of the Cold War in 1989, which defused the ideological conflict.

In addition to the ideological conflict, external economic forces also impacted negatively on CARICOM. The establishment of CARICOM in 1973 coincided with the world economic crisis which had a devastating impact on the small open economies of the CARICOM region. The 1981 World Bank (WB) Annual Report confirmed that:

The past decade has been a difficult one for the nations of the Caribbean. Many are newly independent and most are small islands, with fragile economies. The problems of adjustment to being independent states in a world economy would have been immense even if the world economy of the 1970s had been as stable as that of the 1960s. [However] events since 1973 - uncertain prices for the few primary products that they export, declines in earnings from tourism, dwindling foreign investment, higher energy costs, global recession and hurricane-caused destruction – have served to exacerbate the situation.¹⁰

Therefore, by the mid-1980s most CARICOM countries had undergone Structural Adjustment Programs imposed by the International Monetary Fund and the WB. Those austerity measures had a crippling effect on the already fragile economies of the region.

⁷ Ronald Sanders. *Crumbled Small: The Commonwealth Caribbean in World Politics*, (London: Hansib Publishing Ltd., 2005), 32-33.

⁸ Kenneth O. Hall, *Integrate or Perish: perspectives of the Heads of Government of the Caribbean Community and Commonwealth Caribbean Countries 1963-2002* (Kingston, Jamaica: Ian Randle Publishers, 2003a), 28.

⁹ Linden Forbes Burnham, President of Guyana. Speech delivered at the Third Meeting of the Conference of Heads of Government of the Caribbean Community, Ocho Rios, Jamaica 1982. (Cited in Hall 2003a, 28).

¹⁰ The World Bank, *Annual Report* (Washington, D.C.: The World Bank, 1981), 64-65.

This meant in effect that political leaders were preoccupied with national concerns which diverted attention from the regional project. Therefore, economic integration was problematic for CARICOM.

In addition to geopolitical and global economic factors, the historical legacy of the Caribbean and its small size also affected its quest for economic integration. For example, in terms of trade, intra-regional trade has been relatively minimal. For the years 1981 to 2001 the main market for CARICOM's exports as well as its imports was the United States, which accounted for 40.5 percent of exports and 41.4 percent of imports. The European Community/EU was the other major market, accounting for 18.8 percent and 15.3 percent of CARICOM exports and imports respectively. For that period intra regional exports and imports amounted to 14.8 percent and 9.5 percent. In fact, CARICOM's intra-regional exports, as a percentage of total exports – which is an index of integration – for the years 1975, 1980, 1985, 1990 and 2000 was 8.54 percent, 8.92 percent, 12.99 percent, 12.37 percent and 15.7 percent respectively.¹¹

This relatively minimal intra-regional trade can be attributed to CARICOM's small size and to the historical legacy of the Caribbean. In fact at independence Anglophone Caribbean economies were immersed into the world economy at a disadvantage. Traditionally, they were monoculture economies, producing mainly agricultural products to satisfy the comparative advantage of Britain. This led to economic dependency. Further, for the most part, Caribbean countries produced similar products which undermined intra-regional trade. What emerged instead were competitor economies vying for foreign investment, foreign aid etc. This impacted negatively on economic integration.

Institutionally, the original Treaty of Chaguaramas provided for a Heads of Government Conference - as the highest decision-making organ - a Common Market Council, a number of institutions and associate institutions and a Secretariat. Decision-making within all the organs of CARICOM was taken unanimously. For most of its existence CARICOM functioned within this inter-governmental framework, which revolved around the Heads of Government Conference and the CARICOM Secretariat. This structure characterized the old paradigm.

The Transition Phase – Preparing for the Twenty-first Century

CARICOM gained momentum in the late 1980s. This was triggered by the harsh realities in the global political economy. The end of the Cold War, the new wave of globalization and the intensification of trade liberalization transformed the global landscape and had the potential to further marginalize the vulnerable states in the CARICOM region. In addition, the emergence of non-traditional security threats, such as the illicit drug trade, and the attendant crime and violence as well as the spread of the HIV/AIDS pandemic also posed grave threats to member states individually and to the CARICOM region as a

¹¹Caribbean Community Secretariat, *CARICOM Our Community* (Kingston, Jamaica: Ian Randle Publishers, 2005), 110. See Robert Pastor this volume for comparative figures for NAFTA.

whole. Given limited human and financial resources, these threats presented an incentive to enhance regional cooperation within a more dynamic framework.

Therefore, on the eve of the twenty-first century, there was a gap between the regional arrangements and the demands of the new era. In fact, CARICOM found itself on the threshold of a new century relatively unprepared for the new dispensation. Therefore, this situation warranted a fresh look at Caribbean integration and the institutional arrangements which supported it. To this end, a number of declarations were made in the late 1980s through the mid 1990s. For example, in 1984 Heads of Government convened in Nassau, The Bahamas to further examine the economic condition of the region. The 'Nassau Understanding', which followed the Conference, represented a listing of the ills of CARICOM and a prescription for its revitalization and regeneration. Often referred to as "a survival document" the Nassau Understanding indicated that "The governments are determined to steer the economies away from a situation of economic and social breakdown." Consequently, by the early 1990s CARICOM had opted for a strategy of 'open regionalism', where the development of the Community was seen as requiring a more liberalized trade regime where protectionist measures were abolished and where the thrust of the activities of the Community was driven by the need for a secure place in the changed global economy.¹²

In addition, the 1989 Grand Anse Declaration was a landmark event for CARICOM. Several key initiatives were agreed upon to chart a new path for Caribbean integration:

1. The CARICOM Single Market and Economy (CSME) to be established in 'the shortest possible time';
2. Free movement of CARICOM nationals;
3. Free movement of skilled and professional personnel beginning with university graduates, visual and performing arts, sports and media personnel;
4. Establishment of the Assembly of Caribbean Community Parliamentarians (ACCP);
5. Establishment of an independent West Indian Commission for advancing the goals of the Treaty of Chaguaramas.

This period also brought to the fore concerns about democracy within the CARICOM region. Therefore, through the Kingston Declaration in 1990 CARICOM Heads of Government agreed to strengthen the democratic process by "providing every opportunity for the full involvement of all ... citizens in the governance of their affairs, in particular the deepening of [the] integration effort toward the achievement of a truly authentic

¹²Kenneth O. Hall, 2003, 5.

Caribbean personality.” They also reiterated their commitment to establishing an ACCP with representatives from both government and opposition members of parliament to “be a powerful influence on the integration movement and on furthering democratic processes in the region.”¹³

Another milestone event was the 1992 Report of the West Indian Commission (WIC) which assessed CARICOM and made recommendations for the way forward. The report covered a wide range of concerns and found that although CARICOM had made notable progress in the area of functional cooperation, particularly in the areas of health and education, lack of common institutions was a critical weakness of CARICOM. The WIC Report stressed that CARICOM suffered from “an implementation paralysis” which was viewed as “a chronic CARICOM deficiency.”¹⁴ The WIC drew on the EU model and recommended, among other things: a mechanism for CARICOM to speak with one voice in trade negotiations; speeding up the proposed Single Market and Economy; a Caribbean Court, a Council of Ministers, an Executive Commission, a Charter of Civil society, widening of CARICOM to include Suriname and Haiti and enhanced cooperation with the Greater Caribbean. Those declarations and recommendations marked the beginning of a shift from the old paradigm to the emerging one.

The Emerging CARICOM Framework

Currently, there is consensus that more than ever before regional integration is critical for the small states in the CARICOM region. Sanders captures the general theme in the literature when he emphasizes that “smallness is powerlessness” and that Caribbean states have achieved gains in the international community only when they have acted in unison. He maintains that one way to address the crisis of being “crumbled small” is for these states to make their countries bigger through arrangements of joint governance that “are so patently necessary to make them more viable.”¹⁵ According to Sanders:

The alternative is to let the culture of smallness perpetuate itself, and for hardship to eventually force them either into a new form of colonialism with larger countries, or to pawn their people’s future with the IMF and the World Bank.¹⁶

Within this context, Caribbean integration is a necessary imperative in the contemporary era. As such, a regional decision-making space is emerging where the sovereign nation-states in the region are seeking to collectively devise regional strategies to better cope with common threats from the global environment. In 1992 Heads of

¹³Ibid, 214.

¹⁴ West Indian Commission., *Time for Action*, (Kingston, Jamaica: UWI Press, 1992), 54.

¹⁵ Ronald Sanders. *Crumbled Small: The Commonwealth Caribbean in World Politics*, (London: Hansib Publishing Ltd., 2005), 38.

¹⁶ Ibid.

Government agreed that the overall structure of CARICOM would continue to be a community of sovereign (independent) states. However, it was agreed that the following changes would be implemented:

- The chairperson of the Conference would be changed every six months on the basis of an agreed schedule;
- A Bureau of the Conference would be established comprising the current, the outgoing and the incoming chairpersons of the Conference as well as the Secretary-General acting in the capacity of chief executive officer;
- Each member state would designate a minister with specific responsibility for CARICOM Affairs. Together they would constitute the Caribbean Community Council of Ministers, replacing the Common Market Council of Ministers as the second highest organ of the Community;
- The Secretary-General would be given executive authority and the Secretariat would be reorganized in order to strengthen its ability to respond more effectively to the numerous demands being placed upon it; and
- The Treaty of Chaguaramas would be revised, to reflect the 1989 decision of Heads of Government to move from a Common Market to a Single Market and Economy.

In addition, in order to complete the process of independence from Britain, they also agreed to establish a Caribbean Court of Appeal, as the final appellate court replacing the Judicial Committee of the Privy Council based in the United Kingdom. The *New Institutional Structures of the Community* came into being in 1997 with the signing of Protocol I which was later incorporated into the Revised Treaty of Chaguaramas.¹⁷

However, prior to the Revised Treaty in 2001, four important initiatives were introduced into the CARICOM structure: the ACCP; the Charter of Civil Society, a CARICOM Quasi Cabinet and the Caribbean Regional Negotiating Machinery (CRNM). Each will be examined in turn.

First, the establishment of the ACCP was intended to be a major step towards more inclusive governance within the Caribbean Community. The objective of the ACCP was to give regional representatives of both the government and the opposition a greater say in the affairs of the integration movement. It was established as a consultative and deliberative body for the deepening of the integration movement and its objectives are clearly set out in Article IV of the Agreement:¹⁸

¹⁷ CARICOM Secretariat, 2005, 450.

¹⁸ See Agreement for the Establishment of an Assembly of Caribbean Community Parliamentarians (<http://www.caricom.org/archives/agreement-accp.htm>) accessed March 27, 2005.

1. To involve the people of the Community, through their representatives, in the process of consolidating and strengthening the Community;
2. to provide opportunities for involvement in the issues of the integration process by members of parliament in each member state and associate members, in addition to those who now participate;
3. to provide a forum for people of the Community to make their views known through their representatives;
4. to provide more frequent contact in the monitoring of the policies of the Community;
5. to provide enhanced opportunities for the co-ordination of the foreign policies of member states;
6. to promote greater understanding among member states and associate members for the purpose of realizing and safeguarding the ideas and principles of democratic governments in the Community and facilitating the economic and social advancements of their peoples;
7. to encourage the adoption by the Government of member states of the Community of a common policy on economic, social, cultural, scientific and legal matters deliberated upon by the Assembly.

Since its inaugural meeting in Barbados in 1996, the ACCP has met twice in nine years: in Grenada in 1999 and Belize in 2000. The shortcomings of the ACCP reflect the wider political culture within the CARICOM region. It is pertinent to note here that there is an ongoing scholarly debate on the Westminster model as it has evolved in the Anglophone Caribbean. While some scholars argue that the Anglophone Caribbean has adapted the Westminster model and has for the most part sustained a liberal democratic tradition¹⁹ others argue that what emerged in the post emancipation Caribbean were “authoritarian states” camouflaged in the trappings of formal democracy.²⁰ This debate has drawn attention to the quality of democracy within the CARICOM region. Within this context, therefore, there is an emerging tendency among opposition parliamentarians to seek greater space in decision-making and there have been calls from various circles to include opposition parliamentarians in the affairs of CARICOM.²¹

¹⁹ See Jorge Domínguez et al. (eds.), *Democracy in the Caribbean* (Baltimore: John Hopkins, 1993).

²⁰ See David Hinds, “Whither CARICOM: Governance at National and Regional levels must be Complimentary” (<http://www.guyanacaribbeanpolitics.com>) accessed July 17, 2003; Selwyn Ryan, *The Winner Takes All: The Westminster Experience in the Caribbean* (St. Augustine, UWI Press, 1999); Clive Y. Thomas, *The Rise of the Authoritarian State in Peripheral Societies*, (New York and London: Monthly Review Press), 1984.

²¹ Recently elected Prime Minister of Antigua and Barbuda, Balwin Spencer has been among those who have made repeated calls for opposition parliamentarians to be included in the affairs of CARICOM (See CARICOM Secretariat, “Opening Address by the Honorable Balwin Spencer, Prime Minister of

Consequently, the CARICOM leadership is being forced to address the pressing issue of democracy within the CARICOM region. As such, plans to institutionalize the ACCP to include representatives of government and opposition parliamentarians as full members and representatives of civil society as observers are high on CARICOM's current agenda. At the Sixteenth Inter-sessional Meeting of the Conference held in Suriname on February 16 to 17, 2005, the Conference of Heads of Government considered the report from the Prime Ministerial Expert Group on Governance which included recommendations to institutionalize the ACCP. It was agreed that the recommendations would be examined by the Bureau, which would make concrete proposals for implementation to be considered at the Twenty-Sixth Meeting of the Conference in July 2005.²² It is still too early to assess what impact of the ACCP will have. It is hoped that the recommendations will translate into concrete action to address the democratic deficits in the regional project.

Second, the Charter of Civil Society was adopted in 1997. This instrument became necessary as the question of legitimacy and governance within member states became problematic in the late 1990s. Civil unrest in Guyana and other constitutional crises within some other member states warranted CARICOM's intervention. The Charter aims to: enhance public confidence in governance; ensure the continuing respect for internationally recognized civil, political, economic, social and cultural rights; uphold the right of the people to make political choices to create a truly participatory political environment within the Community; promote, foster and maintain racial harmony in order to enter the twenty-first century on the basis of the best possible governance.²³ However, the effectiveness of the Charter of Civil Society has come into question, particularly in view of the most recent Haitian crisis. In reviewing the lessons from the Haitian crisis, the Secretary-General of CARICOM acknowledges the weaknesses of CARICOM since in his view the Charter of Civil Society, which deals with human rights and democratic governance within member states, does not impose "binding obligations" on member states.²⁴

Third, as issue areas increased and became more complex there was need to spearhead action in sectors critical to the region's integration and development. Therefore, at the Seventh Special Meeting of the Conference of Heads of Government

Antigua and Barbuda and Outgoing Chairman of the Caribbean Community at the Twenty-fifth Meeting of the Conference of Heads of Government", St. George's Grenada, July 4, 2004. <http://www.caricom.org/speeches/25hgc-spencer.htm> accessed March 28, 2005.

²² CARICOM Secretariat, "Communiqué Issued at the Conclusion of the Sixteenth Inter-Sessional Meeting of the Conference of Heads of Government of the Caribbean Community," Paramaribo, Suriname February 16-17, 2005, *Press Release No. 46/2005* (http://www.caricom.org/pres46_05.htm) accessed March 24, 2005.

²³ CARICOM Secretariat, "Charter of Civil Society for the Caribbean Community," (<http://www.caricom.org>) accessed March 28, 2005.

²⁴ Rickey Singh, "Carrington Wants Ombudsman Role for Haiti," *Guyana Chronicle*, Bridgetown, Barbados, April 23, 2003. (<http://www.guyanachronicle.com/ARCHIVES/archive%20%2023-04-04.html#Anchor-----61035>) accessed April 24, 2004.

held in Chaguaramas, Trinidad and Tobago from October 26 to 27, 1999, Heads of Government agreed to constitute themselves into a quasi-cabinet with individual Heads having responsibility for critical portfolios. Within the last five years there have been visible signs of individual CARICOM Heads of Government taking the lead role in a number of specific areas. For example, St. Kitts and Nevis has been spearheading strategies to combat the spread of HIV/AIDS; Barbados has visibly displayed leadership in the area of the CSME; Grenada in the realm of Science and Technology, St. Lucia, in the area of Justice and governance, St. Vincent and the Grenadines, on the issue of bananas, Jamaica has been at the forefront of international negotiations, among others. This new component within the structure creates the possibility for greater accountability by the CARICOM leadership to Caribbean peoples.

Fourth, in relation to external negotiations, a notable development was the establishment of the Caribbean Regional Negotiating Machinery (CRNM) in 1997. The CRNM was established to coordinate external negotiations to enable the region to speak with one voice in international trade negotiations. Initially, the CRNM functioned within the framework of the CARICOM Secretariat. However, it was an “awkward relationship” and ultimately the responsibility for the management of the financial resources of the CRNM was transferred from the CARICOM Secretariat to the Government of Barbados.²⁵ Despite the conflicts, the CRNM has been instrumental in the preparations for the Doha Round of the World Trade Organization (WTO); the Economic Partnership Agreements with the EU and the proposed Free Trade Area of the Americas (FTAA). Such initiatives marked a distinct break with the past, albeit within limitations.

The Revised Treaty of Chaguaramas, 2001

The 2001 Revised Treaty of Chaguaramas marked a new impetus in Caribbean integration. The original Treaty has been supplemented by nine protocols which aim to facilitate the implementation of the CSME.²⁶ These amendments are intended to facilitate a single economic space within which the factors of production, including labor, would be able to locate to countries, regions and sectors where they can be optimally employed, and in the process improve productivity and the efficient allocation of resources while enhancing the quality of life and the standard of living of citizens of the Community. Protocol one of the Revised Treaty outlines the organizational and institutional arrangements of the Community.

²⁵Cedric Grant, “An Experiment in Supra-National Governance: The Caribbean Regional Negotiating Machinery,” in Kenneth O. Hall and Denis Benn (eds.), *Contending with Destiny The Caribbean in the Twenty-first Century* (Kingston, Jamaica: Ian Randle Publishers, 2000), 447-499.

²⁶Protocol I addresses the organizational, institutional arrangements and procedures of the Community, including CSME. The other instruments are: Protocol II (rights of establishment, provision of services, Movement of Capital); Protocol III (Industrial policy); Protocol IV (Trade policy); Protocol V (agricultural policy); Protocol VI (transport policy); Protocol VII (disadvantaged countries, regions and sectors) Protocol VIII (dispute settlement); and Protocol IX (rules of competition).

The Conference of Heads of Government continues to be the supreme decision-making organ of CARICOM. Decisions of the Conference continue to be taken unanimously. It is argued that the retention of the unanimity rule in voting procedures of the Conference, is intended to emphasize the principle of sovereign equality of states and to “scotch in the bud” any lingering disposition at political integration.”²⁷

The Revised Treaty also made provision for the Bureau of the Conference, as mentioned above. In addition, the Community Council of Ministers replaces the Common Market Council of Ministers. The Council consists of ministers responsible for Caribbean Community Affairs and any other minister designated by member states. It is responsible for the development of Community strategic planning and co-ordination in the areas of economic integration, functional co-operation and external relations. There is a notable change in the decision-making at the level of Council of Ministers. For example, Article 29 (1) states that “...the Ministerial Councils shall take decisions by a qualified majority vote and such decisions shall be binding.” Thus, while the unanimity principle remains entrenched in the voting procedures of the Conference, it has been dispensed with for decision-making of other organs save in the exceptional circumstances identified in Article 19 (3) which relates to issues “determined to be of critical importance to the well-being of a member state.” This is a significant development, although it is too soon to determine what impact such a change will have.

Within the new structure the principal organs of CARICOM are assisted by four Ministerial Councils:

- (a) The Council for Finance and Planning (COFAP), which coordinates economic policy and financial and monetary integration of member states;
- (b) The Council for Trade and Economic Development (COTED), which promotes trade and economic development of the Community and oversees the operations of the CARICOM Single Market and Economy (CSME);
- (c) The Council for Foreign and Community Relations (COFCOR), which determines relations between the Community and international organizations and third states; and
- (d) The Council for Human and Social Development (COHSOD), which promotes human and social development within the CARICOM region.

As the number and scope of issue areas increased, these Ministerial Councils became necessary to provide a key link between the national, regional and international levels. These Ministerial Councils are entrenched in the CARICOM structure and represent a more integrated approach to regional policy making than what obtained with the standing committees provided for in the original Treaty.

²⁷ Duke Pollard (ed.), *The CARICOM System: Basic Instruments* (Kingston: The Caribbean Law Publishing Co. 2003), 460.

The Revised Treaty also made provision for three Bodies of the Community:

- (a) The Legal Affairs Committee, which is responsible for providing the Organs and Bodies, either on request or on its own initiative, with advice on treaties, international legal issues, the harmonization of laws of the Community and other legal matters;
- (b) The Budget Committee, which examines the draft budget and work program of the Community prepared by the Secretariat and submits recommendations to the Community Council; and
- (c) The Committee of Central Bank Governors, which makes recommendations to the Ministerial Council for Finance and Planning (COFAP) on matters relating to monetary co-operation, payments arrangements, free movement of capital, integration of capital markets, monetary union and any other related matters referred to it by the organs of the Community.

Besides the organs and bodies of the Community, the Revised Treaty also provided for a number of institutions and associate institutions of CARICOM. The institutions are established by or under the auspices of the Community as outlined in Article 21. Article 22 provides for associate institutions which are entities with which the Community enjoys important functional relationships which contribute to achieving the Community's objectives. These institutions and associate institutions create a regional network which helps to underpin Caribbean integration. They play an important role in regional governance and have greatly contributed to CARICOM's achievements in the area of functional cooperation.²⁸ This suggests that non-state actors have a role to play in regional integration.

Within the new structure, the CARICOM Secretariat continues to be the principal administrative organ of the Community. To reflect the changes in the Community, the Secretariat has been restructured to include three directorates on foreign and community relations; human and social development; and regional trade and economic integration. The Secretariat has evolved as the main conduit for Caribbean integration. It is the focal point for matters relating to Caribbean integration and acts as the catalyst among the various organs, bodies, institutions and associate institutions of CARICOM. However, the Secretariat's role is primarily administrative. Since CARICOM is a community of sovereign, independent states, the Secretariat is not empowered to implement CARICOM decisions nor is it equipped to effectively respond to the diverse challenges posed by the changing global environment. Cognizant of this reality, further options for governance are high on CARICOM's agenda.

²⁸ Some of the institutions and associate institutions include: the Caribbean Disaster Emergency Response Agency (CEDERA), the Caribbean Agricultural Research and Development Institute (CARDI), the Caribbean Development Bank (CDB), the University of Guyana (UG) and the University of the West Indies (UWI).

Current Options for Governance

Currently “Options for Governance” is one of the pressing issues facing CARICOM. As pointed out in the 1992 Report of the WIC, the CARICOM Treaty, unlike the Treaty establishing the EEC/EU, did not include similar institutions to monitor and implement the treaty. Consequently, the WIC recommended the creation of a CARICOM Commission, empowered with authority to implement CARICOM’s decisions. In this regard, after much preliminary work, in 2003 the Conference of Heads of Government agreed, through the Rose Hall Declaration, to establish a CARICOM Commission or other executive mechanism, whose purpose will be to facilitate the deepening of regional integration in the area of the CSME and such other areas of the integration process as the Conference of Heads may from time to time determine. The Commission’s function will be to exercise full-time executive responsibility to further the implementation of Community decisions. In the exercise of its responsibilities the Commission will be accountable to the Conference of Heads of Government and will be responsive to the authority of other organs of the Community within their areas of competence.²⁹ Currently a recommendation for a four-man executive commission is on CARICOM’s agenda. It is not yet known what form the Commission will take or what impact it will have. However, this is a positive development which, can help to address the “implementation paralysis” within CARICOM.

This urgency to settle the question of governance within CARICOM is driven by the CSME. After many hurdles, it is expected that the single market will be launched in a staggered way first between Barbados, Jamaica and Trinidad and Tobago in 2005 with other member states, (except the Bahamas, Haiti and Montserrat) joining the single market by 2006. The single economy is expected to come on stream by 2007. However, as integration deepens, particularly in light of the CSME, CARICOM’s approach to integration as a community of sovereign independent states may become problematic. Some scholars question whether the single market is realistic without some commitment to political unity.³⁰ Some politicians also question the wisdom of CARICOM’s approach to integration. According to Gonsalves:

²⁹ CARICOM Secretariat, “Rose Hall Declaration on ‘Regional Governance and Integrated Development’ adopted on the occasion of the Thirtieth Anniversary of the Caribbean Community at the Twenty-fourth Meeting of the Conference of Heads of Government of the Caribbean Community,” Montego Bay, Jamaica, July 2-5 (<http://www.caricom.org/achieves/rosehalldeclaration.htm>) March 25, 2005.

³⁰ Havelock E. Brewster, “The Caribbean Single Market and Economy: Is It Realistic Without Commitment to Political Unity?” *CARICOM.org*. (<http://www.caricom.org>). March, 2003.

The course we have taken to view CARICOM as a community of independent sovereign states, that is, if we proceed without a supranational authority to which some measure of sovereignty is transferred to direct the operation we can still succeed but it will take much longer and there will be greater pain and frustration. We have chosen to proceed in the most difficult way to a single market and economy. We ought to do it the way the Europeans have done it, to transfer some measure of sovereignty to a supranational entity through a single law in the independent states and have that particular supranational entity provide directives to drive the CSME. Instead, what we are seeking to do is to see if whilst we are being a community of independent states that we can have a measure of supranationality without in fact creating a central supranational authority...We need deeper political union for us to be able to provide the requisite institutional expression for our civilization.³¹

However, others caution against adopting the EU model. Sandiford warns that:

The European countries are the former colonial masters of the Caribbean. In a sense they still carry that kind of tutelage and would want the Caribbean to do things 'à la Europe'. But we have to create our own model based on our concrete circumstances. We can work toward having the Integrated States of the Caribbean. But it is more than just putting a structure together. It is the embodiment of nationhood among those English speaking Caribbean countries that can work together and want to work together. We need a Caribbean personality. We need that because in the building of our nation we have failed to do it and we need to find that framework which would embrace both the commitment to national aspirations as well as a larger commitment to a Caribbean nation. We need internal synergies and energies to bring about integration. We have to create our own institutions that come out of the needs of the ordinary man and woman. What is happening now is that it is a bureaucratic emphasis placed on forming institutions without looking closely at what they are supposed to do for the needs of ordinary people.³²

The debate on the future political and institutional expression of CARICOM is ongoing. It is often argued that the establishment of the CCJ will create the balance between CARICOM's decision to be a community of sovereign independent states and the demands of the CSME. However, the CCJ itself is fraught with difficulties. It should have been inaugurated in 2003, but due to constitutional and political wrangling, particularly in Jamaica and Trinidad and Tobago, its inauguration was postponed several times. A Privy Council judgment delivered on February 3, 2005 ruled that the procedure

³¹ Ralph Gonsalves, Prime Minister of St. Vincent and the Grenadines, interview by author, St. Vincent and the Grenadines, July 25, 2004.

³² Erskine E. Sandiford, former Prime Minister of Barbados, interview by author, St. James, Barbados, June 9, 2004.

followed by Jamaica to enact three pieces of legislation to bring the CCJ into force by a simple parliamentary majority, was constitutional.³³ This ruling has created a lively debate throughout the CARICOM region which throws light on the adversarial nature of Caribbean politics and the implications for the emerging governance arrangements within CARICOM.

Conclusion

The regional space in the Caribbean is being shaped by several factors. On the one hand, the demands in the global political economy are creating an incentive for deeper integration. However, the lingering concerns of the early federal experiment and the political culture within member states are mitigating against deeper union. The central problem is that CARICOM is in a bind. The CARICOM political leadership has agreed that even as the Caribbean deepens integration, CARICOM will continue to be a community of sovereign independent states, without a central authority to make rules which are binding on all member states. Within this framework, as integration deepens, individual member states are required to pass national laws in order to give force to regional decisions. This process often requires super majorities in national parliaments or in some cases referenda. However, given the adversarial nature of Caribbean politics, regional decisions usually become hostage to domestic power politics.

Within this context what seems to be emerging is what Sanders refers to as “a half-way house.”³⁴ That is, there is a shift from the solely inter-governmental framework to an emerging governance arrangement which is necessary to facilitate the CSME. The emerging framework includes the Bureau, the CARICOM Quasi-Cabinet, the Council of Ministers, Ministerial Councils and Bodies, the CCJ, the CRNM, the ACCP and the proposed Executive Commission. These initiatives are definitely a break from the past and represent a shift toward a more integrated regional project. In essence this arrangement, is building on the recommendations of the WIC which proposed an EU-like structure for CARICOM. If one were to compare the emerging CARICOM structure with the EU, the CCJ, while designed differently and while fraught with its own difficulties, is intended to carry out functions similar to that of the European Court of Justice (ECJ). In addition, the CRNM, while not as sophisticated as the European Commission, has been speaking with one voice for CARICOM in international negotiations. These are two of the central “pillars” of the emerging structure. It is too early to tell what form the proposed Executive Commission will take and what impact it will have. Suffice it to say, this is a positive step that can help to address the implementation deficiencies within CARICOM.

³³ Judicial Committee of the Privy Council. “Independent Jamaican Court for Human Rights (1998) Limited and Others v (1) Hon. Syringa Marshall-Burnett and (2) the Attorney-General of Jamaica (Appeal No. 41 of 2004) (<http://www.privacy-council.org.uk/files/other/independent%20jamaica.jud.rtf>) March 29, 2005.

³⁴ Ronald Sanders, interview by author, Miami, Florida, February 16, 2005.

In summary, one possible future scenario is that in the medium to long term, external pressures will force CARICOM to deepen integration within a more cohesive political and institutional framework. That is, an effective and sustainable regional governance arrangement will become a necessary prerequisite for CARICOM's survival as a viable region. This does not mean full political union, but greater pooling of sovereignty in critical areas. However, CARICOM's decision to continue to be a community of independent sovereign states will continue to create tensions between the desire for deeper integration and the political, legal and institutional mechanisms needed to underpin integration. Finally, it is expected that CARICOM will continue to search for an indigenous path to development through regional integration. This is a continuous process which requires creativity and sacrifice. In my view, there is no easy or no one 'right' way to integrate sovereign nation-states within a regional framework. However, it is useful to compare various regional schemes to draw useful lessons, while tailoring the regional project to the concrete circumstances of the respective project. In this respect, what CARICOM can draw from the EU is that common institutions and the pooling of sovereignty are critical to sustain the integration process.

The fundamental issue is that regional integration is both necessary and problematic. However, appropriate and effective governance mechanisms can help to enhance the viability of regional integration movements.