

# **INSDIP**

## **Protocol Amending the Treaty Establishing the Caribbean Community**

### **( Protocol V: Agricultural Policy)**

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#### **PREAMBLE:**

The Parties to the Treaty Establishing the Caribbean Community (hereinafter referred to as "the Member States");

Recognizing the importance of agriculture, including crops, livestock, fisheries and forestry for regional food and nutrition security and the economic and social development of the peoples of the Community;

Conscious that globalization and liberalization have important implications for the international competitiveness of the agricultural sector;

Convinced of the need to improve agricultural production and productivity, and strengthen the linkages between the agricultural sector and other sectors of the Single Market and Economy;

Aware that differences in resource endowment and in the levels of economic development of the Member States may affect the implementation of the Community Agricultural Policy;

Determined to effect a fundamental transformation of the agricultural sector of the Community by diversifying agricultural production, intensifying agro-industrial development, expanding agri-business, and generally conducting agricultural production on a market-oriented, internationally competitive and environmentally sound basis;

Have agreed as follows:

#### **ARTICLE I** **Use of Terms**

1. In this Protocol unless the context otherwise requires:

**"Community"** includes the Caribbean Single Market and Economy to be established by the Protocols amending or replacing the Caribbean Common Market Annex to the Treaty, as amended by Protocol I;

**"the Council for Foreign and Community Relations"** means the organ of the Community so named in Article 6(2)(b) of the Treaty, as amended by Protocol I;

**"the Council for Trade and Economic Development"** means the organ of the Community so named in Article 6(2)(a) of the Treaty, as amended by Protocol I;

**"Member States"** means Member States of the Community;

**"Treaty"** means the Treaty establishing the Caribbean Community signed at Chaguaramas on the 4th day of July 1973 and includes any amendments thereto which take effect either provisionally or definitively (herein referred to as "the Treaty");

**"WTO Agreement"** means the Agreement establishing the World Trade Organization done at Marrakesh on the 15th day of April 1994 establishing the World Trade Organization.

2. In this Protocol a reference to Protocol I is a reference to the Protocol amending the Treaty and signed at Antigua and Barbuda on 19 February, 1997.

## **ARTICLE II**

### **Amendment**

The provisions of this Protocol shall replace Articles 48 and 49 of the Caribbean Common Market Annex to the Treaty and take effect as hereinafter provided.

## **ARTICLE III**

Replace Article 48 with the following:

### **Article 48**

#### **"The Community Agricultural Policy"**

1. The goal of the Community Agricultural Policy shall be:

(a) the fundamental transformation of the agricultural sector towards market-oriented, internationally-competitive and environmentally-sound production of agricultural products;

(b) improved income and employment opportunities, food and nutrition security, and poverty alleviation in the Community;

(c) the efficient cultivation and production of traditional and non-traditional primary agricultural products;

(d) increased production and diversification of processed agricultural products;

(e) an enlarged share of world markets for primary and processed agricultural products; and

(f) the efficient management and sustainable exploitation of the Region's natural resources including its forests and the living resources of the exclusive economic zone,

bearing in mind the differences in resource endowment and economic development of Member States."

#### **ARTICLE IV**

Insert new Article to read as follows:

##### **"Article 4a**

##### **Implementation of the Community Agricultural Policy**

**1.** For the achievement of the goal set out in Article 1, the Community shall, through competent Community organs and bodies, promote and support:

(a) the production, diversification, processing and marketing of agricultural products;

(b) the establishment of effective agricultural financing systems, including insurance, bearing in mind the special needs of artisanal fishers, small farmers, foresters and agro-processors;

(c) the establishment of linkages among Member States with complementary natural resources, industries, agricultural skills and technical abilities;

(d) the development of human resources and delivery systems responsive to the requirements of the agricultural sector;

(e) the development of appropriate policies for the use of land and marine space with a view to increased agricultural production;

(f) appropriate land tenure systems to provide the farmer with security of tenure;

(g) the establishment of effective information and market intelligence services;

(h) research and development with a view to the adaptation, dissemination and application of appropriate technologies at all levels of the sector and all stages of production;

(i) the adoption of effective measures for rural enterprise development;

(j) public education to enhance the economic and social profiles of agriculture, particularly among the youth;

(k) the establishment of an effective regime of sanitary and phytosanitary measures;

(l) the establishment of a policy environment designed to attract investment to the agricultural sector; and

(m) technical cooperation and the dissemination of knowledge in agriculture.

**2.** For the purpose of assisting Member States to implement the agricultural policy set out in paragraph 1, the Council for Trade and Economic Development (COTED) shall establish effective support measures including:

(a) strengthening the relevant administrative and institutional framework to modernize and enhance the competitiveness of agriculture by:

(i) improving the capability of Member States to undertake policy analysis, formulation, planning, execution and resource mobilization for the development of the sector;

(ii) investigating and analyzing developments in the agri-food sector; and

(iii) improvement of the collection, analysis and dissemination of empirical data and other relevant information;

(b) upgrading of national and regional capabilities in the areas of sustainable natural resources management;

(c) enhancement of the capabilities of Member States in the areas of agricultural trade analysis and negotiations; and

(d) promotion of a mechanism for the collaboration of farmers, fishers, foresters and the social partners in agricultural development.

**3.** The Community shall:

(a) promote collaboration among Member States and competent regional organizations in the areas of policy formulation and implementation of regional agricultural policies; and

(b) establish an effective regime to protect regional agricultural production from dumping, subsidization and other unfair trading practices.

**4.** The Community shall, as a matter of priority, and in collaboration with national, regional and international agencies and organizations, promote and adopt measures relating, inter alia, to:

(a) the provision of appropriate inputs; and

(b) the development of infrastructure, such as port facilities, drainage, irrigation, access roads, post-harvest handling and marketing facilities."

## **ARTICLE V**

Insert new Article to read as follows:

### **"Article 48b**

#### **Natural Resource Management**

1. The Community shall adopt effective measures to assist Member States in the management of their natural resources in support of the transformation and sustainable development of the agricultural sector.

2. Without prejudice to the generality of the foregoing and to obligations of Member States under existing international agreements, the Community shall adopt measures for:

(a) the effective management of the soil, air and all water resources, the exclusive economic zone and all other maritime areas under national jurisdiction of Member States; and

(b) the conservation of biological diversity and the sustainable use of biological resources of Member States, especially those of important medicinal and traditional value."

## **ARTICLE VI**

Insert new Article to read as follows:

### **"Article 48c**

#### **Human Resource Development**

1. The Community shall, on a continuing basis, adopt effective measures for the development of human resources to satisfy the requirements for cadres of skilled agricultural personnel at all levels in Member States.

For the purposes of paragraph 1, provision shall be made to:

(a) monitor and evaluate, on an on-going basis, the demand for, and appropriateness of agricultural education and training;

(b) establish training programs in the agricultural sector;

(c) develop effective delivery of in-field training for farmers, foresters and fishers; and

(d) improve the facilities and strengthen the capabilities of regional training institutions and national administrations in support of agricultural development.

**3.** In performing the functions referred to in paragraph 2 of this Article, the Community shall collaborate with education and training institutions and relevant regional and international organizations in developing harmonized agricultural syllabuses, training materials and case studies in key areas of farming, fisheries and forestry utilizing distance education technology where appropriate."

## **ARTICLE VII**

Insert new Article to read as follows:

### **"Article 48d**

#### **Research, Development and Use of Technology**

**1.** The Community shall promote and encourage research and development, and the adaptation, diffusion and transfer of appropriate technologies in order to achieve increased production and productivity.

**2.** The Community shall, in collaboration with competent public and private sector research and development institutions, encourage and assist Member States:

(a) to facilitate access to and use of new and appropriate technologies in the agricultural sector;

(b) to develop:

(i) efficient systems for the generation and transfer of appropriate technologies; and

(ii) technological and institutional capabilities in the public and private sectors, compatible with competitive and sustainable agricultural production.

**3.** In the pursuit of its functions under this Article, the Community shall encourage the private sector to play a vital role in:

(a) the development, adaptation and transfer of appropriate technologies in the agricultural sector; and

(b) the development of producer associations as a basis for autonomous action and intra-regional transfer of technologies and research findings.

**4.** The Community shall co-operate with Member States and competent organizations to devise means of protecting, developing and commercializing local knowledge about the value and use of the Region's biodiversity for the benefit of their populations, especially their indigenous peoples."

## **ARTICLE VIII**

Replace Article 49 with the following:

## **"Article 49**

### **Marketing of Agricultural Products**

**1.** The Community shall, in collaboration with competent national, regional and international organizations, promote the development of effective agricultural marketing systems in order to respond to, influence and generate market demand for agricultural products of Member States.

**2.** In effecting the promotion referred to in paragraph 1, the Community shall pay particular attention to:

- (a) improved post-harvest technology;
- (b) market information, intelligence and planning;
- (c) risk insurance; and
- (d) efficient distribution services.

**3.** In order to accomplish the objectives referred to in paragraph 1 of this Article, the Community shall adopt measures to promote:

- (a) the establishment of a regional market information system;
- (b) the improvement of production and market information systems of Member States in order to facilitate, inter alia, the efficient co-ordination of marketing strategies and systems;
- (c) institutional arrangements including producer associations and joint venture marketing enterprises in order to respond to existing and changing market conditions;
- (d) niche marketing;
- (e) linkages between agriculture and other sectors;
- (f) the identification and utilization of sources of low cost alternative inputs;
- (g) the establishment and adoption of regional standards and specifications compatible with international standards for products being traded;
- (h) enhanced productivity and food quality;
- (i) insurance coverage for primary agricultural products; and
- (j) the development of efficient distribution services to facilitate intra- and extra-regional marketing.

**4.** In pursuance of the need to generate market demand for agricultural products of Member States and to promote the agricultural development of the Less Developed

Countries, Member States shall agree to the arrangements for marketing oils and fats set out in Schedule III of the Protocol amending the Treaty to provide for a Trade Policy."

## **ARTICLE IX**

Insert new Article to read as follows:

### **"Article 49a**

#### **Fisheries Management and Development**

**1.** The Community, in collaboration with national, regional and international agencies and organizations, shall promote the development, management and conservation of the fisheries resources in and among Member States on a sustainable basis.

**2.** The Community shall effect the promotion and facilitation referred to in paragraph 1 by:

(a) enhancing the institutional capabilities of Member States in areas such as policy formulation, registration and management systems, resource monitoring and assessment, and harvesting and post-harvesting technologies;

(b) establishing mechanisms to provide assistance in:

(i) the development, management and conservation of the fisheries resources;

(ii) the discharge of obligations relating to fisheries resources arising under Articles 62, 63 and 64 of the United Nations Convention on the Law of the Sea (1982).

(c) effective regional representation at international fora;

(d) establishing development programs for aquaculture;

(e) encouraging the establishment of protected aquatic habitats and associated terrestrial areas and fish populations for the sustainable development of fisheries resources of Member States; and

(f) establishing, facilitating and strengthening research and human resource development at the professional, technical and vocational levels.

**3.** The Community shall collaborate with Member States in:

(a) the management of straddling and highly migratory fish stocks;

(b) ongoing surveillance of exclusive economic zones of Member States;

(c) the delimitation of maritime boundaries; and

(d) safeguarding the marine environment of Member States from pollutants and hazardous wastes.

4. Without prejudice to the provisions of Article 3 of this Protocol, the Council for Foreign and Community Relations (COFCOR) shall promote the establishment of a regime for the effective management, conservation and utilization of the living resources of the exclusive economic zones of Member States.

5. For the purpose of this Article, "fisheries resources" includes all the fishable resources, natural and cultured, in the inland and internal waters, territorial seas and the exclusive economic zones of Member States."

## **ARTICLE X**

Insert new Article to read as follows:

### **"Article 49b**

#### **Forestry Management and Development**

1. The Community shall, in collaboration with national, regional and international agencies and organizations, promote the development, management and conservation of the forest resources in Member States on a sustainable basis.

2. The Community shall effect the promotion and facilitation referred to in paragraph 1 by formulating policies and programs for:

(a) the management of its forest resources;

(b) the integration of forestry development in rural communities;

(c) enhancing the institutional capabilities of Member States to design and implement forest management systems;

(d) establishing, facilitating and strengthening programs for research and for human resource development at the professional, technical and vocational levels;

(e) encouraging public and private sector participation in the development and application of technology;

(f) providing incentives for forestry development to stimulate domestic, regional and foreign investment in the forestry sub-sector;

(g) harmonizing standards for quality assurance, compatible with international specifications;

(h) promoting commercialization of natural forest products in a sustainable manner; and

(i) undertaking national forest inventories.

3. For the purposes of this Article, "forestry resources" are those natural assets of forest lands, including timber and other forest products, biological diversity, recreation, fish and wildlife habitat, wilderness, flora and fauna, air, water and soil."

## **ARTICLE XI**

Insert new Article to read as follows:

### **"Article 49c**

Saving

The provisions of this Protocol are without prejudice to obligations of Member States under existing international agreements."

## **ARTICLE XII**

### **Signature**

This Protocol shall be open for signature by the Member States on the thirtieth day of June, 1998.

## **ARTICLE XIII**

### **Ratification**

This Protocol shall be subject to ratification by signatory States in accordance with their respective constitutional procedures. Instruments of ratification shall be deposited with the Secretariat which shall transmit certified copies to the Government of each Member State.

## **ARTICLE XIV**

### **Accession**

Any Member State other than a signatory State may accede to this Protocol. An Instrument of Accession shall take effect on the date on which the Instrument is deposited with the Secretariat of the Community.

## **ARTICLE XV**

### **Entry Into Force**

This Protocol shall enter into force one month after the date on which the last instrument of ratification is deposited with the Secretariat.

## **ARTICLE XVI**

### **Provisional Application**

1. A Member State may, upon the signing of this Protocol or at any later date before it enters into force, declare its intention to apply it provisionally.

2. Upon such declaration by all Member States, the provisions of this Protocol shall be applied provisionally pending its entry into force in accordance with Article XIV.

**IN WITNESS WHEREOF** the undersigned duly authorized in that behalf by their respective Governments have executed this Protocol.

DONE at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 1998.

Signed by

for the Government of Antigua and Barbuda on the day of 1998 at

Signed by

for the Government of Barbados on the day of 1998 at

Signed by

for the Government of Belize on the day of 1998 at

Signed by

for the Government of the Commonwealth of Dominica on the day of 1998 at

Signed by

for the Government of Grenada on the day of 1998 at

Signed by

for the Government of the Co-operative Republic of Guyana on the day of 1998 at

Signed by

for the Government of Jamaica on the day of 1998 at

Signed by

for the Government of Montserrat on the day of 1998 at

Signed by

for the Government of St. Kitts and Nevis on the day of 1998 at

Signed by

for the Government of Saint Lucia on the day of 1998 at

Signed by

for the Government of St. Vincent and the Grenadines on the day of 1998 at

Signed by

for the Government of The Republic of Suriname on the day of 1998 at

Signed by

for the Government of The Republic of Trinidad and Tobago on the day of 1998 at

## **DECLARATION**

The representatives of the under-mentioned Governments hereby declare their intention to apply provisionally the provisions of Protocol V:

Signed by

for the Government of Antigua and Barbuda on the day of 1998 at

Signed by

for the Government of Barbados on the day of 1998 at

Signed by

for the Government of Belize on the day of 1998 at

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for the Government of The Republic of Trinidad and Tobago on the day of 1998 at