

AGREEMENT BETWEEN THE GOVERNMENT OF THE
UNITED STATES OF AMERICA AND THE
CARIBBEAN COMMUNITY ("CARICOM")
CONCERNING A UNITED STATES-CARICOM COUNCIL
ON TRADE AND INVESTMENT

The Government of the United States of America and CARICOM
(individually a "Party" and collectively the "Parties"):

- 1) Desiring to enhance the friendship and spirit of cooperation between both Parties;
- 2) Desiring to develop further the international trade and economic relationship between both Parties;
- 3) Recognizing the objectives of the Enterprise for the Americas Initiative to foster economic growth through liberalized trade and investment;
- 4) Recognizing the importance of trade and investment to the economies of Member States of CARICOM, which are small and undiversified;
- 5) Taking into account the participation of both the United States and several Member States of CARICOM in the General

Agreement on Tariffs and Trade (GATT), and noting that this Agreement is without prejudice to the rights and obligations of the Parties under the GATT, as well as those derived from its agreements, understandings and other instruments to which they are parties;

6) Taking into account the commitment of both Parties to the objectives and successful completion and implementation of the Uruguay Round of Multilateral Trade Negotiations;

7) Recognizing and seeking to build on the efforts made by the Parties to liberalize their economies;

8) Recognizing the desire of the United States of America to encourage regional arrangements that generate increased trade, investment and economic growth and that are consistent with the GATT, including Article XXIV of the GATT, and further recognizing the obligations of Member States of CARICOM under the Treaty of Chaguaramas, including the obligation to liberalize trade among themselves;

9) Recognizing the arrangements already put in place under the Caribbean Basin Initiative (CBI);

10) Acknowledging the importance of fostering an open and predictable environment for international trade and investment;

11) Recognizing the benefits to each Party resulting from increased international trade and investment, and further recognizing the detrimental effects of protectionism and of measures that distort or restrict international investment flows;

12) Recognizing the essential role of private investment, both domestic and foreign, in furthering growth, creating jobs, expanding trade, improving technology and enhancing economic development;

13) Recognizing also that foreign direct investment confers positive benefits on each Party;

14) Recognizing the increased importance of services in their economies and their bilateral relations;

15) Taking into account the need to eliminate non-tariff barriers in order to facilitate greater access to the markets of both Parties;

16) Recognizing the importance of providing adequate protection and effective enforcement of intellectual property rights and taking account of commitments pertaining to intellectual property rights undertaken in the GATT and in intellectual property rights conventions;

17) Recognizing the contribution to the economic welfare of both Parties provided by the observance and promotion of the fundamental rights of workers, as contained in the International Labor Organization and other relevant conventions;

18) Acknowledging that in the execution of their arrangements governing trade and investment, the environmental concerns of both Parties should be taken into account;

19) Recognizing that it is desirable that trade and investment problems between the Parties should be resolved by mutual agreement as expeditiously as possible; and

20) Considering that it would be in their mutual interest to establish a bilateral mechanism between the Parties for encouraging the progressive liberalization of trade and investment between them.

To this end, the Parties agree as follows:

ARTICLE ONE

There shall be established between the Parties the United States-CARICOM Council on Trade and Investment (hereinafter referred to as "the Council").

ARTICLE TWO

In order to encourage the progressive liberalization of trade and investment, the objectives of the Council are as follows:

- 1) To monitor trade and investment relations, identify opportunities for expanding trade and investment, and negotiate agreements where appropriate.
- 2) To hold consultations on specific trade and investment matters of interest to the Parties.
- 3) To identify and work towards the removal of impediments to, and problems affecting, trade and investment flows.

ARTICLE THREE

- 1) The Council shall be composed of representatives of both Parties. The CARICOM side will be chaired by the representative of the Chairman of the Conference of Heads of Government of the Caribbean Community and the United States of America's side will be chaired by the Office of the United States Trade Representative.

ARTICLE FOUR

- 1) The Council shall meet at such times as agreed by the two Parties.
- 2) The Parties may seek the advice of the private sector in their respective countries on matters related to the work of the Council. Private sector representatives may be asked to participate in Council meetings whenever both Parties agree it is appropriate.

ARTICLE FIVE

- 1) The Council shall commence its work by addressing the "Immediate Action Agenda" of trade and investment issues set forth as an Annex to this Agreement.
- 2) The Council may establish ad hoc working groups that may meet concurrently or separately in order to facilitate its work. Such groups shall report to the Council at such times as the Council may determine.
- 3) The Council shall make recommendations to the Parties for action where appropriate.

ARTICLE SIX

1) Either Party may raise for consultation any trade or investment matter between them. Requests for consultation shall be accompanied by a written explanation of the subject to be discussed and consultations shall be held within thirty (30) days of the request, unless the requesting Party agrees to a later date.

2) Consultations will take place initially in the State whose measure or practice is the subject of discussion, unless otherwise agreed by the Parties.

ARTICLE SEVEN

This agreement is without prejudice to preexisting rights and obligations of the United States and Member States of CARICOM under:

1) Domestic law.

2) The GATT, its codes together with its agreements, understandings and other instruments to which the United States and Member States of CARICOM are signatories.

3) Regional arrangements or any other international instruments to which the United States or Member States of CARICOM are signatories.

ARTICLE EIGHT

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

ARTICLE NINE

This Agreement shall remain in force unless terminated by mutual consent of the Parties or by either Party upon six months written notice to the other Party.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective governments, have signed this Agreement.

DONE at Washington this twenty-second day of July, 1991, in duplicate in the English language.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:


FOR THE CARIBBEAN COMMUNITY:



ANNEX

IMMEDIATE ACTION AGENDA

In relation to the agreement concerning the creation of a United States-CARICOM Trade and Investment Council, setting forth principles and procedures for consultations regarding trade and investment issues, the United States and CARICOM confirm the following:

- 1) They are prepared to commence promptly the work of the Council with an "Immediate Action Agenda" composed of the following topics:
 - o matters relating to the Uruguay Round of Multilateral Trade Negotiations in the GATT, and cooperation toward the successful completion of the Round;
 - o discussion of Caribbean and related hemispheric participation in the Enterprise for the Americas Initiative;
 - o trade and investment liberalization opportunities, including:
 - investment liberalization, including entry requirements, restrictions on transfers, trade-related investment measures and other policies that encourage, distort or inhibit domestic, private or foreign direct investment;
 - the review of investment aspects of tax treaties;
 - market access barriers affecting both agricultural and industrial products;
 - liberalization of trade and investment with other regional markets;
 - trade in services.
 - o customs procedures (including laws, regulations and practices) and sanitary and phytosanitary standards to facilitate entry of merchandise;
 - o matters and issues regarding the trade-related aspects of intellectual property rights, including protection of intellectual property rights;
 - o identification of measures to improve the operation of the CBI;

- o discussion of trade and investment liberalization arrangements in which the Parties are involved and the resulting increases in trade and investment;
 - o the policy considerations, specifically in the commercial trade and investment area, pertaining to access to technology.
- 2) The inclusion of topics on this "Immediate Action Agenda" does not limit the ability of either Party to raise for consultations under Article 6 of the Agreement any other issue relating to trade or investment which might arise in the near term and requires immediate bilateral consultations, nor prejudice the raising of new issues in the future.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:


FOR THE CARIBBEAN COMMUNITY:

